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ABSTRACT

This study examined conflicting Federal directives and gaps in Federal education policy from the perspective of the local school district, with the objective of determining problem areas in Federal policies and practices and developing a set of recommendations for change. Five areas of policy, finance and administrative procedures were examined: (1) Title I of the Elementary and Secondary Education Act (ESEA); (2) bilingual and bicultural programs, particularly Title VII of ESEA; (3) the Emergency School Aid Act (ESAA); (4) the policies of the Office for Civil Rights (OCR); and (5) directives of Federal court orders affecting the cities studied. The study was based primarily on two types of sources: (1) interviews with local officials and representatives and with HEW officials in regional and Washington offices; and (2) analyses of laws, regulations, documents and published materials that deal with Federal policies and procedures involving Title I, bilingual programs, ESAA, OCR, and court-ordered desegregation. The districts included in the study were Oakland, California; Montgomery County, Maryland; Denver, Colorado; Milwaukee, Wisconsin; and Corpus Christi, Texas. The recommendations developed represent an attempt to mesh the two major Federal approaches to equal educational opportunity--desegregation and compensation. The case studies indicate that the fragmentation of the Federal effort raises problems at the local level which minimize attempts to achieve equal educaticnal opportunity. (Author/AM)

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LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS

POLICY RESEARCH PROJECT REPORT

ED159258

LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS

Number 23

FEDERAL POLICIES FOR EQUAL EDUCATIONAL OPPORTUNITY: CONFLICT AND CONFUSION

UDO 18534

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FOREWORD

The Lyndon B. Johnson School of Public Affairs has established interdisciplinary research on policy problems as the core of its educational program. A major part of this program is the nine-month policy research project, in the course of which two to three faculty members from different disciplines direct the research of ten to twenty graduate students of diverse backgrounds on a policy issue of concern to an agency of government. This "client orientation" brings the students face to face with administrators, legislators, and other officials active in the policy process, and demonstrates that research in a policy environment demands special talents. It also illuminates the occasional difficulties of relating research findings to the world of political realities.

This report on federal policies for equal educational opportunity was produced by a policy research project undertaken at the LBJ School in the academic year 1976-77. The study, partially funded by a grant from the Office of Public Education of the Ford Foundation, makes concrete policy recommendations to the Offices of Education and Civil Rights on such issues as desegregation, equal opportunity plans, and bilingual education.

It is the intention of the LBJ School both to develop men and women with the capacity to perform effectively in public service and to produce research which will enlighten

and inform those already engaged in the policy process. The project which resulted in this report has helped to accomplish the former; it is our hope and expectation that the report itself will contribute to the latter.

Elspeth Rostow
Dean

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SUMMARY FINDINGS AND RECOMMENDATIONS

Since 1954, when the U.S. Supreme Court ruled on Brown v. Board of Education, equal educational opportunity has been an objective of federal educational involvement. A number of federal activities undertaken since that time have affected attempts by local school districts to achieve equal educational opportunity. Although these federal initiatives share a common general goal, they sometimes employ different strategies and approaches to it.

This study, undertaken by a group of graduate students and faculty at the LBJ School of Public Affairs, looked at conflicting federal directives and gaps in federal education policy from the perspective of the local school district. Five areas of federal policy and administrative procedure were examined in five communities:

1) Title I of the Elementary and Secondary Education Act (ESEA);
2) Bilingual and bicultural programs, particularly Title VII of ESEA;
3) the Emergency School Aid Act (ESAA);
4) the policies of the HEW Office for Civil Rights (OCR); and
5) directives of federal court orders affecting the cities studied.

The cities included in the study were Oakland, California; Montgomery County, Maryland; Denver, Colorado; Milwaukee, Wisconsin; and Corpus Christi, Texas.

The following issues were addressed in the study:

1) The use of Title I monies by districts undergoing court-ordered desegregation and the problems of money following the child to a new school.

2) The relationship between Title VII, ESEA bilingual and state bilingual programs.

3) The use of ESAA funds by school districts desegregating either voluntarily or under court order.

4) The impact of directives from the Office for Civil Rights and OE program officials involved with Title I, ESAA and Title VII.

5) The ability of local districts receiving federal monies to develop comprehensive equal educational opportunity plans.

6) The procedure for applying for funds and policies used in awarding grants.

7) Coordination among federal agencies related to the impact of programs at the local level.

The recommendations which developed from the study represent an attempt to mesh the two major federal approaches to equal educational opportunity - desegregation and compensation.

The case studies undertaken indicate that the fragmentation of the federal effort raises problems at the local level which minimize attempts to achieve equal educational opportunity.

I. Bilingual Education

Programs for bilingual education within a local school district may be funded through a number of federal program sources. At least two of the major funding sources establish policies for bilingual education which are inconsistent with one another. Through Title VII of the Elementary and Secondary Education Act, school districts are encouraged to develop bilingual programs to meet a need, not to promote a right. If a school district receives bilingual funds through the Emergency School Aid Act, it is required to provide limited English speaking children with bilingual education.

In large part, the inconsistent federal signals stem from the federal court ruling in Lau v. Nichols. OCR has used these standards - sometimes as suggested guidelines and sometimes as formal requirements - in its review of ESAA applications.

However, the Lau remedies have not been used either formally or informally by those who determine funding under Title VII of ESEA. Title VII regulations are not oriented to civil rights compliance. Rather, that program is a capacity building effort with requirements unrelated to Lau and without any civil rights compliance review by OCR before funding decisions are made.

School districts seeking bilingual funding from a federal agency, therefore, must react to a system of confusing and inconsistent regulations. A local school district may receive from OCR explicit instructions not only in traditional civil rights compliance areas, but also on the details of its bilingual program. Yet, depending on the source of the funds, the district may or may not have to comply with all or part of those OCR instructions. OCR may deny it the use of ESAA funds for either bilingual programs or for any other ESAA sponsored activity because of non-compliance. At the same time, the district may continue to receive funds through ESEA Title VII for bilingual activities.

Recommendations:

For the Office of Education:

1. OE should adopt consistent bilingual standards for all federal programs.
2. These standards should take on a clear policy status - they should be written as formal guidelines or regulations for all federal bilingual education programs.
3. The standards adopted must be consistent with the legal requirements established by Lau v. Nichols. A task force should be appointed to develop standards and requirements consistent with Lau.

For the Office of Civil Rights:

OCR should devote its attention to the establishment of civil rights standards, and leave to OE the development of educational standards. In addition to establishing those standards, it should be OE's responsibility to promulgate rules and regulations consistent with Title VI requirements.

II. Emergency School Assistance Act

Four of the five school districts included in the study received funding through ESAA. The study indicated clearly that the ESAA funds have been used as a catch-all for the establishment of a variety of programs to meet problems arising from desegregation. Its uses range from compensation for the effects of student dispersal on categorical aid programs to aiding school districts in meeting human relations problems. The study indicated, however, that ESAA was not available to communities early enough to support desegregation planning, that its uses were unduly restricted by OE, that it was not adequately funded, and that it was not clearly focused to play an advocacy role for desegregation.

While the districts are clearly using the ESAA funds for the programs which they see as priorities based on their perception of need, they are caught between two competitive imperatives. On the one hand, ESAA funds are valuable for planning, human relations activities, staff development, and

other purposes directly related to desegregation. On the other, ESAA funds are the only "free" federal funds available to the districts for use in compensatory and achievement-oriented programs.

A. Separation of funds for compensatory education programs related to desegregation

School districts under desegregation often find that desegregation results in displacement of children from schools where previously they had been eligible for compensatory programs. All three of the school districts under court order included in our study experienced some problems with Title I programs and services. Title I is designed to serve concentrations of economically disadvantaged children. These concentrations are frequently disrupted as a result of desegregation and Title I funds are not transferrable to non-Title I schools. As a result, school districts find themselves forced to terminate special programs for some educationally disadvantaged children who are no longer eligible for Title I programs. In the transition to desegregation, some districts have attempted to use ESAA funds to compensate for the loss of flexibility in allocating Title I funds.

It has been argued that desegregation itself may be considered a form of compensatory education since children moved from Title I schools are presumably entering more enriched environments. While this may be true in the long run, initially displaced children have individual needs which cannot be met because of Title I eligibility requirements. ESAA funds cannot always be used to meet these needs because of inadequate funding levels. In addition, use of ESAA monies for this purpose serves to fragment and dilute the intent of the program.

Recommendation:

A separate source of funds should be earmarked for the educational needs of children displaced by desegregation. These funds should be separated from regular Title I funds and administered either as a part of ESAA, a new part of Title I, or a new program.

School districts would be eligible for the funds after court ordered desegregation or after a voluntary plan was approved by OCR. These funds should be viewed as a short term, transition source, with two or three year grants available. The program should be available on a competitive basis and reviewed by OE on merit in accordance with explicit criteria. The decision to fund should be weighted on the basis of the number of children transferred from Title I

schools as well as the quality of the proposal submitted by the district. These funds would be available to the district in addition to the regular Title I funds. Districts would be expected to conform to Title I eligibility requirements for regular Title I funding.

B. Refocus ESAA to allow it to play an advocacy role for desegregation.

The competing demands for ESAA funds has detracted from the program's role as the federal advocate for desegregation. In addition, the program has been limited by other requirements that have minimized its effectiveness. Because funds are not available to a local school district until a court order is final or until a voluntary plan has been approved, a district is unable to use ESAA funds to assist in the pre-court order phase of defining the problems and developing initial community support. In none of the four communities which received ESAA funds were those funds available for initial desegregation planning.

The inflexibility of current ESAA regulations undermines the value of the program as a stimulus for desegregation. Indeed, current administrative policies are not encouraging to a school district

committed to voluntary desegregation which applies for ESAA funds. Carrying out the original Congressional intent for the program - to play a role as a facilitator of local desegregation - is hampered by current regulations. Too, the prohibition on the use of ESAA funds for court ordered activities hampers the ability of districts to meet their needs (particularly when a judge includes less traditional requirements within the order).

Recommendations:

1. Allow a school district to apply for ESAA funds when it is in a planning phase for desegregation. (Either in a preliminary state in a court proceeding or in preliminary planning for voluntary desegregation.)
2. Allow school districts more flexibility in the use of ESAA funds for activities directly related to desegregation, whether or not they were included in the court order.
3. Review the current array of technical assistance programs available to a local district to assess their adequacy and possible changes in administrative arrangements.

III. The Role of OCR

Although the Office for Civil Rights is charged with Title VI compliance activities for all of HEW, this study of three educational programs within OE indicates that OCR's role is unclear and varies among the programs. Different enforcement procedures for different programs establish a compliance program that invites minimal enforcement and double standards. Of the three programs studied, OCR's enforcement efforts ranged from preventing abuse of civil rights requirements through project sign off (with ESAA) to a more passive response to complaints about programs already in operation (with Title I and Title VII).

Our analysis of COR operations indicated that OCR is not able to effectively utilize the data which it collects. Thus, in effect, it operates through ESAA grant sign off and complaint investigations. In part, the OCR data is not used because of the form in which the information is available. Use of up to date sampling techniques to assist in monitoring is not possible when data on thousands of school districts is available only in hand tabulating and paper form.

OCR's role in preventing discrimination seems somewhat arbitrary as currently practiced. Decisions to fund through Title I and Title VII are not based on scrutiny of nondiscrimination status and are monitored only through complaints. While this may be inevitable in a formula program such as Title I when funding decisions are more or less automatic, it

is not defensible in decisions regarding Title VII dollars. On the other hand, decisions regarding ESAA proposals are subject to strong OCR scrutiny to the point of prescribing educational practices.

The total effect of OCR's activities is to send out a message of noncredibility - a double standard in which discrimination is tolerated in some programs and not in others. The most obvious example is in bilingual education where districts not in compliance with OCR requirements may be denied ESAA funds yet receive Title VII funding. The waiver procedure that is currently used also has a noncredible ring. A school district under court order (hence one that has been found to be in a discriminatory posture) is required to restate its guilt when it applies for ESAA. However, that district is not questioned at all when it comes to Title I and Title VII funding unless a specific complaint is raised against that district.

Recommendations:

1. OCR must reaffirm the Title VI goal of nondiscrimination for all educational programs. This would require more active monitoring of district practices and tailoring the monitoring to the reality of the program, e.g., using sign-off authority for both ESAA and Title VII.
2. The data collected by OCR must be presented and analyzed through more effective procedures. This would include

computerizing information systems, employing sampling techniques in the monitoring process, and setting reasonable limits on data collection.

3. Relationships between OCR and OE would be greatly improved if OE established standards for educational practices which are consistent with civil rights standards. If OE establishes such standards, OCR would be able to more effectively monitor civil rights requirements.

IV. Procedural Questions

A number of issues were raised by local districts included within the study that indicate some problems with OE procedures. These included annual funding determinations, timing of applications, and information flow. We recommend that they receive further study.

A. Annual Funding

The annual funding process for ESAA appears to make it more difficult for local school districts to plan programs and acquire quality staff and materials. Although many districts receive ESAA funds for several consecutive years, annual application deadlines inhibit long range planning and innovative use of funds.

B. Timing

Current application dates occur too early in the school year to allow a district to learn from its

previous year's application. In order to submit an application in January (ESAA) or in February (Title VII) a district must begin its application development process very early in the school year.

C. Information Flow

The sporadic flow of information from Federal regional offices and Washington, D.C. sometimes results in short notice of regulation changes and confusion on requirements for funding. The 30-day notice of regulation changes makes districts hard pressed to complete Title VII applications. Districts are not always fully informed of reasons for funding cuts or of allowable or preferred uses of funds. Districts appear to experience difficulty in planning programs that will satisfy both federally "favored" program emphases and local needs.

CHAPTER I

INTRODUCTION

Equal educational opportunity has been an objective of federal educational involvement since 1954, when the U.S. Supreme Court ruled on Brown v. Board of Education. Since then, a variety of federal activities have affected attempts by local school districts to achieve equal educational opportunity. Some of these activities were a result of decisions of federal courts, enforcing statutory or constitutional provisions. Some affected local school districts through categorical aid programs enacted by Congress and administered by the Office of Education either directly to a local district or through state education authorities. Others stemmed from policies and programs supported by research efforts.

Although the various federal initiatives share the common goal of equal educational opportunity, myriad strategies and approaches have been employed in an effort to attain that goal. Federal courts have tended to concentrate on racial and ethnic desegregation or integration of school systems while some of the categorical aid programs such as bilingual Title VII have focused on those schools which have concentrations of students with special needs. Still others support attempts to raise the general level of academic achievement within the entire school system. The effect of this multifaceted attack by a variety of governmental bodies operating independently has often left local school officials and citizens confused about federal processes and procedures.

During the academic year 1976-77, a policy research project at the LBJ School of Public Affairs (19 graduate students and three faculty members) undertook a study of federal equal educational opportunity efforts from the perspective of local communities.

This study is not an evaluation of federal equal educational opportunity efforts. Rather, it is an attempt to identify conflicting federal directives and gaps in federal education policy. Five areas of federal policy and administrative procedure were examined: 1) Title I of the Elementary and Secondary Education Act (ESEA); 2) Bilingual and bicultural programs; 3) the Emergency School Aid Act (ESAA); 4) the policies of the HEW office for Civil Rights (OCR); and 5) directives of federal court orders in the program areas studied.

While the study focuses on issues from the perspective of the local school district, it does not evaluate the

implementation of the federal programs by particular school districts. The community perspective is designed to bring to light recurrent local difficulties with the various federal programs and policies. Those difficulties which impede the formation of a comprehensive local effort and counter the federal goal of equal educational opportunity are the subject of this study.

OBJECTIVE OF THE STUDY

The objective of the project is to determine problem areas in federal policies and practices and develop a set of recommendations for change. The focus is on legislative mandates, programmatic structure, administrative regulations and other policy directives, and organizational and administrative processes. The primary audiences for the report are the relevant Congressional committees and officials in the Department of Health, Education and Welfare (HEW), particularly those administering federal educational programs.

In selecting the federal policies for study and in developing the methodology, special attention was given to the project goal of assessing the effectiveness of the total federal equal educational opportunity effort. Programs and case studies are treated in the context of this federal effort.

PROGRAMS STUDIED

The programs and federal initiatives selected for study represent successive steps in the formation of federal education policy. For ten years (1954-64) federal court decisions were the primary federal directive for equal educational opportunity. Occasional legislative breakthroughs, in particular aid for federally impacted school districts, were isolated exceptions to the general resistance of Congress to support federal aid for education. For this ten year period, court-ordered desegregation, generally viewed with hostility by local school districts, was the extent of federal involvement.

During the 1960s the nation awakened to the plight of its poor and minorities. Presidents Kennedy and Johnson established the basis for equal educational opportunity legislation with the passage of the 1964 Civil Rights Act, which prohibited discrimination by race in the use of federal funds. This meant that federal education aid could no longer be used for segregated schools. Enforcement powers eventually were vested in an Office for Civil Rights, with responsibility for enforcement of civil rights directives for all of HEW's programs.

The passage of ESEA in 1965 increased federal financial support of public schools and testified to faith in education as a key to breaking the poverty "cycle." Title I, directed towards educating socially and economically disadvantaged children, recognized a social reality: that concentrations of disadvantaged and often racially isolated children existed, and that these children were educationally drprived. Rather than providing incentives to break up (desegregate) concentrations of disadvantaged children, Title I targeted aid on the concentrations. Because it is the major federal compensatory education program, Title I was selected for examination in this study.

In contrast to Title I, federal emergency school aid, authorized in 1970, has as its goal the elimination of minority group isolation. Originally concentrating on the human relations aspects of desegregation, ESAA has become increasingly oriented towards compensatory education and attainment of increased achievement levels. Regulations and interpretations of ESAA intent have restricted its role, but the program offers possibilities for involvement of HEW in support of the desegregation process.

Title I and ESAA illustrate the ambiguous posture of the federal education effort. On one hand, ESAA may be viewed as a facilitator of desegregation. On the other hand, despite OCR checks, Title I implies acceptance of a social reality - continued segregation of disadvantaged school children. The same conflict appears in federal programs designed to support bilingual education. While ESAA bilingual aid is denied school districts found by OCR to be out of compliance with the educational requirements set forth in Lau v. Nichols (the "Lau remedies"), the criteria applied by the Office of Education (OE) in qualifying school districts for ESEA Title VII bilingual aid is unclear. In essence, the federal government is caught in an area of indecision between social reality and perceived social desirability. Local school districts are in the position of having to respond to federal signals which may be in conflict.

These three federal programs and their possible areas of conflict are the focus of this study. They are examined from the perspective of local school districts attempting to deal with federal initiatives developed under different educational and political circumstances, yet directed towards the same goal - equal educational opportunity. Other federal programs involving other aspects of equal educational opportunity (e.g., sex discrimination and issues involving the handicapped) were not included in the study. The recommendations of this report are intended to help mesh federal efforts towards this goal.

METHODOLOGY

The study is based primarily on two types of sources: 1) interviews with local officials and representatives and with HEW officials in regional and Washington offices; and 2) analyses of laws, regulations, documents and published materials that deal with federal policies and procedures involving Title I, bilingual programs, ESAA, OCR, and court-ordered desegregation.

School districts were selected for case study on the basis of the following criteria: minority student population, regional diversity, phase of equal opportunity efforts, and population and income statistics. The number of districts studied was limited by resources available and the willingness of school officials to participate. The following communities were selected:

Oakland, California
Montgomery County, Maryland
Denver, Colorado
Milwaukee, Wisconsin
Corpus Christi, Texas

Each of these districts supplied documents, data, grant applications and information, and access to district officials. Members of the study group made two or three visits to each community, attended school board and other meetings and met with active community groups. Officials of each district with responsibilities for administering federal programs as well as other key figures in the district's equal educational opportunity efforts were interviewed. During this process, the seminar attempted to contrast community perspectives with the directives of the federal programs involved.

Each community presented a unique set of problems. Three of the five districts are undergoing court-ordered desegregation while another is desegregating voluntarily. All of the school districts involved receive Title I funds, but participation in federal bilingual and ESAA programs is not common to all districts in the study. Each of the districts has had a recent history of involvement with federal equal educational opportunity efforts and a set of consequent difficulties.

MAJOR ISSUES ADDRESSED

The following issues are addressed in this study:

1) The use of Title I monies by districts undergoing court-ordered desegregation and the problem of money following the child to a new school.

2) The relationship between Title VII, ESAA bilingual and state bilingual programs.

3) The use of ESAA funds by school districts desegregating either voluntarily or under court order.

4) The impact of directives from the Office for Civil Rights and OE program officials involved with Title I, ESAA, and Title VII.

5) The ability of local districts receiving federal monies to develop comprehensive equal educational opportunity plans.

6) The procedures for applying for funds and policies used in awarding grants.

7) Coordination among federal agencies as it relates to the impact of programs at the local level.

CHAPTER 2

EMERGENCY SCHOOL AID ACT

BACKGROUND

The Emergency School Aid Act (ESAA) was proposed in May, 1970, by President Nixon to meet the special needs of desegregating school districts. Nixon requested $1.5 billion - $150 million to be obligated before September 30, 1970, $350 million for the remainder of FY 1971, and $1 billion for FY 1972. The funds were to be used for teacher training; hiring teacher aides for remedial work; guidance, counseling and testing; mobile classrooms; bilingual programs; community information programs; and certain remodeling. Pending Congressional approval, $75 million was included in the FY 1971 appropriations bill for HEW for such purposes, thus establishing the Emergency School Aid Program (ESAP). Three amendments were added, however, stipulating that funds 1) would not be available to schools transferring property to academies which were perpetuating segregations, 2) could not be used to replace other state or federal funds, and 3) would be available to districts under either a state or federal desegregation order.

A total of $171 million was appropriated for districts for the 1971-72, 1972-73, and part of the 1973-74 school years. During that period 1747 grants for $144,823,398 were made to school districts. No funds were appropriated for ESAP for FY 1974.[1]

The major purpose of ESAP as stated in the regulations was to

> meet special needs...incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools by contributing to the costs of new or expanded activities...designed to achieve successful desegregation and the elimination of all forms of discrimination in the schools on the basis of students or faculty being members of a minority group.[2]

The activities authorized in the regulations were 1) special community programs, 2) special pupil personnel services, 3) special curriculum revision programs and teacher preparation programs, 4) special student to student activities, and 5) special comprehensive planning.[3] A district was determined eligible for assistance under ESAP-I (1971-72) if 1) it was desegregating its schools under a final State or Federal court order or under a voluntary plan approved by

HEW as meeting the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964 and 2) it commenced the terminal phase of such plan or court order by the opening of the 1970-71 academic year or had commenced such terminal phase during the 1968-69 or 1969-70 academic year.[4]

ESAP-II (1972-73) restricted eligibility for the purpose of providing grantees continued funding until they were able to apply for funds under ESAA. It retained the purpose and activities of ESAP-I but established three priority areas for funding. First priority was given to those districts required to take new or additional action by the courts or by action initiated by Title VI of the Civil Rights Act issued after April 20, 1971 (the date of the decision in Swann vs. Charlotte-Mecklenburg). Priority two districts were those required to take additional action in 1971-72 under orders issued prior to April 20, 1971. Third priority were ESAP-I grantees.[5] Under both ESAP-I and ESAP-II, districts were required to develop local programs designed to meet the objectives of the ESAP program on the basis of one or more of the authorized activities.

In June, 1972 the Emergency School Aid Act was enacted into law by P.L. 92-318 to provide local education agencies with financial assistance to 1) meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools, 2) encourage the voluntary elimination, reduction or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students, and 3) aid school children in overcoming the educational disadvantages of minority group isolation.[6]

To carry out the provisions of this Title, $1 billion was appropriated for the period ending June 30, 1973, with an additional $1 billion appropriated for the period ending June 30, 1976. Grants and contracts to each of the states were to be an amount equal to "$75,000 plus an amount which bears the same ratio to such sums as to the number of minority group children aged 5-17, inclusive, in all states except that the amount appropriated to any state shall not be less than $100,000".[7] P.L. 93-380 further amended ESAA to allow local education agencies with a majority of students from a minority group to seek assistance without being required to submit a districtwide integration plan.[8] One billion dollars has been specified for ESAA programs for FY 1977 through FY 1979.

In addition, Congress has just begun the appropriation process for designating 15 million dollars of ESAA money for

compensatory education for Title I children who leave Title I schools for the purpose of desegregation.

ESAA originally authorized eight subprograms: Basic Grants, Pilot Grants, Nonprofit Organization Grants, Bilingual Education, Educational Television, Metropolitan Area Grants, Special Projects, and Evaluation. The first three were State appropriation programs and the remainder were grants made by the Office of Education directly. The metropolitan area projects subprogram was eliminated by Section 642 of P.L. 93-380 in August, 1974. Since that time 87% of the appropriation has been reserved for State programs (Basic Grants, 64%; Pilot Programs, 15%; Non profit Organization Programs, 8%). The remainder of the appropriation was distributed as follows: Bilingual Programs, not less than 4%; Educational Television, 3-4%; Special Projects, 5%; and Evaluation, up to 1%.[9] Each of the subprograms has specific objectives consistent with the Act's overall goals.

OBJECTIVES OF THE ESAA PROGRAMS

The three State-apportioned programs (Basic, Pilot, and Nonprofit Organizations) have unique sets of objectives. Basic Grants are awarded to eligible school districts to reduce minority group isolation, to meet the special needs incident to the elimination of segregation and discrimination, and to assist elementary and secondary school children in overcoming the educational disadvantages associated with minority group isolation. Basic Grants may be awarded to any Local Education Agency (LEA) which (a) is implementing a desegregation plan or has adopted and will implement such a plan if assistance is made available; or (b) has a plan to enroll non-resident children in its schools to reduce minority group isolation; or, (c) to districts without desegregation plans but with minority group student enrollment exceeding 50 percent if they establish or maintain at least one integrated school. Nonprofit Organization grants and contracts provide funds to public or private nonprofit agencies, institutions, or organizations to carry out programs designed to support local education agency development or implementation of a plan, program, or activity for the reduction or elimination of minority group isolation.

Pilot Project grants are awarded to local education agencies for unusually promising projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in minority isolated schools. To be eligible for a Pilot Grant an LEA must be implementing a desegregation plan or a plan to reduce minority group isolation which would make it eligible for a Basic Grant. In addition, at least 15,000 minority group students

must be enrolled in the schools of the LEA or minority students must constitute more than 50 percent of the total LEA enrollment.

The objectives of the five discretionary programs can be summarized as follows. The Bilingual Education program provides funds to local education agencies for bilingual programs designed to equalize the educational opportunity of minority group children from environments where the dominant language is other than English. Education Television contracts and grants are awarded to public or private nonprofit agencies, institutions or organizations for the development and airing of integrated children's television programs of cognitive and affective educational value. Prior to elimination of the set-aside for Metropolitan Area Projects in August of 1974 (P.L. 93-380), such grants and contracts were awarded to local education agencies to establish and maintain an integrated school consisting of a substantial proportion of educationally advantaged children mixed with at least 50% of the proportion of minority group children in all schools within their Standard Metropolitan Statistical Area. Special Project grants and contracts are made to or with State and local educational agencies, and other public agencies and organizations for purposes of conducting special programs and projects which are consistent with the purposes of the Act. The final discretionary program, Evaluation, authorizes grants to and contracts with State educational agencies, institutions of higher education, and private organizations for purposes of evaluating programs authorized by the Act.

An evaluation[10] of Basic and Pilot Grants programs for the 1973-74 and the 1974-75 school years indicates that the sample districts participating in ESAA had relatively large proportions of economically disadvantaged students as indicated by the number of students in those districts eligible for services under Title I of the Elementary and Secondary Education Act (ESEA). The majority of grants were made to districts in urban areas but this was less true for Pilot than for Basic Grants. Most of the sample districts had achieved a substantial degree of desegregation prior to the initial ESAA grant which would indicate awards were made to assist districts meet the needs incident to the desegregation.

During both years included in the evaluation, the majority of funds were spent for instruction in reading and mathematics followed by expenditures for new curricula, administrative and auxiliary services, intergroup and cultural enrichment, and guidance and counseling.[11] Grants were made to districts with students who had acute needs for compensatory education and with low socioeconomic levels. In turn, the participating schools were those with high percentages of academically needy and financially disadvantaged students.

APPLICATION PROCESS

Applications for Basic, Pilot, and Nonprofit Organization grants are submitted to the Office of Education Regional Offices. All processing, review, and recommendations for grant awards are made at the regional office level. Actual grant awards, however, are made in Washington.

After the necessary materials, including application forms and copies of the appropriate Federal Registers, are prepared and disseminated (Oct.),[12] training sessions are conducted by OE for regional personnel as well as for state education agency (SEA) technical assistance personnel and for other general assistance center personnel (Nov.-Dec.). Those sessions are meant to provide an update on changes in the law, application procedures, etc. The state personnel are then in a position to provide assistance to applicants in the development of their proposals if such assistance is requested.

Fifteen days prior to the date on which the applications are due in the Regional Office (Jan. 17), the SEA must be provided a copy of local district applications for comments. Upon completion of its review, the SEA forwards the application with comments to the Regional Office. Although there is no requirement that the comments of the SEA be utilized, they are made a part of the review process and the reactions noted.

Upon receipt of an application in the Regional Offices, simultaneous, independent reviews are conducted by OCR and by the OE Regional Contracts Office and the Office of ESAA Program Manager. OCR's responsibility is to determine the district's eligibility to apply based on the type of desegregation plan (HEW, court-ordered, or voluntary) under which it is operating and on its compliance with the assurances contained in the application.

In processing applications, the OCR staff verifies that the school district is in compliance with ESAA assurances by investigating whether the district has engaged in (1) transfer of property or services to discriminating non-public schools, 2) the unfair demotion of minority group personnel, 3) or the racial isolation of students. OCR also ensures that the district has 4) made efforts to involve non-public schools in the proposed ESAA project, 5) has formed an advisory committee, and 6) has held a public hearing prior to submission of the ESAA application. The extent of a school district's compliance with ESAA assurances is measured by an OCR checklist - the Emergency School Aid Act Clearance Form. OCR recommends to OE whether the district should be eligible for continuing ESAA funds. Final authority for determination of ESAA noncompliance is with the Commissioner of Education.

If OCR finds violations of assurances or the absence of equal educational services, the school district must correct any deficiencies or be declared ineligible for funds. The district will first receive a letter signed by the Commissioner of Education as notification of its noncompliance status. After this point, there are three avenues open to the district:

(1) withdraw the ESAA proposal, but still be subject to enforcement proceedings by OCR on the basis of Title VI within thirty days;
(2) ask for a show cause hearing; or
(3) apply for a waiver and submit remedies.

At a show cause hearing a district will usually argue that it is in compliance. Hearings are held in Washington before the Associate Commissioner of Education or another designated official.

Application for a waiver of ineligibility is made to the Secretary of HEW. By signing the waiver, the district admits being guilty of discrimination. It must sign assurances that violations do exist, will be remedied, and will not reoccur. Regional OCR receives a copy of the waiver and remedies and makes a recommendation on the waiver to OCR headquarters. The Secretary of HEW then sends a letter to the district informing it of the status of the waiver. If the waiver is approved, the district is granted the money. While waiting to hear the status of the waiver, the money is put on legal hold. If a district does not follow the hearing or waiver options, OE assumes that the district will not voluntarily comply and puts it on legal hold. The OE Contracts Office reviews the legal/fiscal aspects of all applications, particularly those relating to budgetary matters. The programmatic review is conducted by the OE Regional Office of the Program Manager. The application is first checked for missing or incomplete data. The application must include 1) a copy of the desegregation plan under which the district is operating (OCR reviews the appropriateness of the plan; OE simply determines if a plan has been included), 2) a budget and budget breakdown, and 3) the narrative section completed as required. Minor omissions in any of the areas may be corrected by the applicant. Major omissions, however, require that the application be returned to the district. Proposals so returned will not be considered in that particular cycle.

Each application is next reviewed by a three-member non-federal panel. Panelists are selected from a list of names which have been submitted from sources such as SEAs and general assistance centers. Approximately 50 individuals are selected for participation as panelists for a given year; about one-third of them are new each year. An attempt is made to ensure representation by sex and ethnicity on each

panel. In addition, each panel must be composed of a classroom teacher; a community person; and an administrator, student, or college or university professor. After the panels have been constituted, a one-half day training session is held prior to the five day review period. All applications are reviewed independently by each member of the panel. The criteria utilized differs somewhat from program to program. Basic Grants decisions, for example, are based on 125 total points; 80 points for objective criteria[13] and 45 points for educational and programmatic criteria.[14]

In evaluating applications for Basic Grant assistance the following criteria (point system) are applied:

A. Objective Criteria
   1. Needs assessment - The number of children to which plans relate as compared to other school districts in the State (30 points).
   2. The degree to which there is effective net reduction in minority group isolation or effective net prevention of minority group isolation (50 points).

Additional points are determined according to the following criteria:

B. Educational and Programmatic Criteria
   1. Needs assessment - The magnitude of needs as assessed by applicant in relation to desegregation, elimination, reduction or prevention of minority group isolation and the degree to which applicant has demonstrated, by standardized achievement test data or other objective evidence, the existence of such needs (6 points).
   2. Statement of objectives - Specific measurable objectives as related to needs identified and the degree to which a) program addresses needs identified and b) program involves total educational resources, both public and private of community to be served (6 points).
   3. Activities
      a. Project design
         The extent to which a) services affect participants; b) services are intensive and give promise of growth; c) individualized instruction and services are emphasized; d) there is opportunity for input by students served; and there is e) promotion of inter-racial and intercultural understanding (11 points).
      b. Staffing
         Maximum use of staff capability as well as continued training of staff (3 points).

c. Delivery of Services
How well program sets out plan for logical requirements of proposed activities including available facilities and equipment (3 points).

d. Parent and Community Involvement
How application delineates opportunity for parent and community input and participation as well as evidence of participation that did occur (4 points).

4. Resource Management - Ability to achieve stated objectives; cost effectiveness related to expected benefits; coordination with existing efforts; and minimization of outlay for equipment (6 points).

5. Evaluation - Extent application sets out a format for objective, quantifiable measurement of the success of the proposed program in achieving stated objectives including timetable for compiling data for evaluation, description of instruments to be used for evaluation, and comparison of evaluation results with other results and standards (6 points).

C. Funding Criteria - 1) Additional costs as compared to other applicants of the State; and 2) the amount of funds available to the state and the relation of this to other applications from the State.

Districts that qualify under the Basic Grants Program may also apply for a Pilot Project grant, providing the school district has 15,000 student population or 50% or more minority students. Funds for such grants are reserved by the Assistant Secretary of HEW for support of innovative pilot programs or projects. These programs must be designed to improve the academic achievement of students in minority group isolated schools.

In evaluating applications for Pilot Project assistance, the criteria are the same as for Basic Grants except for some differences in the points assigned to criteria A(2) and B. For Pilot Project application evaluations, 25 points are assigned criteria A(2), compared to 50 for Basic Grants. Twelve points are assigned to criteria B compared to 8 for basic Grants. Criteria B is also expanded in Pilot Project applications to include methods for determining the replicability of the proposed pilot program.

A local education agency which is implementing a basic grants program may also apply for a grant from the Assistant Secretary's reserved funds in support of a bilingual project. This application must be to develop educational programs designed to meet the educational needs of minority group children who are from environments in which the dominant language is other than English, for the development of reading, writing and speaking skills in the English language and in

their primary language. It must also be designed to provide these minority group children with an understanding of the history and cultural background of the minority groups of which such children are members. The project may also be directed toward carrying out activities authorized by basic grants. In addition, non-profit agencies are eligible for bilingual funding if they are requested to apply by a local education agency that is implementing a basic grants program.

In evaluating applications for assistance for school districts the same criteria are used for bilingual as for basic grants. Bilingual program applications are sent directly to Washington for funding review.

Upon completion of the reviews, the applications are ranked by scores and decisions made regarding the funding level to recommend for each proposal. Although comments from both the review panel and the program officers are utilized in determining the amount to be recommended, the funding decision process is rather subjective. The best judgments of the review panel, the Contracts Office and ESAA program officers are relied on as the basis for the final decision on the budget figure. Once a final budget amount is arrived at, the number of applications to be recommended to Washington can be determined.

The applications with the most points are recommended, with the number to be recommended determined by the amount of funds allocated to the region. Two-thirds of that amount is encumbered in the initial round. The applications submitted to Washington undergo a procedural review and an analysis of cost review. Upon approval by Washington, the successful applicants are notified by the regional office. Proposals not making the initial cut-off are critiqued to identify deficiencies in them noted by the review panelists. This information is sent to the applicants by the regional office for use in resubmissions.

Districts submitting unsuccessful applications in the initial round are afforded an opportunity to resubmit. Technical assistance in reviewing panelists' comments as well as in rewriting the proposal is available from the regional office staff and/or from technical assistance offices in SEAs or general assistance centers. As applicants resubmitting proposals are required to address only initial deficiencies, panel comments are provided upon request. The "resubmit" application is then sent to the original panelists with a copy of their comments. Each panelist is asked to review only the deficiencies and to reassess those portions of the application. Proposals are again ranked according to the points received and, after budgetary revisions, are recommended for approval in descending order until the remaining one-third of the region's allocation is expended.

The criteria applied by OE in evaluating ESAA applications favor two kind of school districts: those under court order and large urban school districts. Although P.L. 92-318 states that school districts which are voluntarily undertaking desegregation activities should not be given less favorable consideration, the current system of evaluating applications does not establish such equal treatment. OE's criteria also appear to emphasize funding of reading and mathematics programs under ESAA - an emphasis that has been questioned by local districts as well as by Congressional committees.

In addition, although neither the law nor the relevant ESAA regulations strictly prohibit the use of ESAA funds for activities included within a local district's court order, current OE practice has been to disallow support of any program that is so included.

USE OF ESAA FUNDS IN FOUR CITIES SURVEYED IN THIS STUDY

City	Amount of Funding	Type 2 Grant	Kinds of Program
Milwaukee	$3,409,724	Basic	Intensive math-reading aid for minority isolated students Human relations for staff and students Employment Bilingual/bicultural
Montgomery	$ 500,000		High School intergroup Relations Project St. Camillus Cluster Bilingual Program Action Team
Corpus Christi	$ 660,000	Basic Discretionary	Teacher renewal centers for in-service education Instructional facilitator program Community Information program Community liaison aides Evaluation
Denver	$1,927,568	Basic Pilot Bilingual	Orientation Motivation Youth Programs Diagnostic Centers Cultural Arts & understanding Bicultural-bilingual
Oakland	(0)	None	

DENVER

Denver, which is under court order, has an ESAA budget of $1,927,568. Three programs are funded: a basic grant, pilot projects, and a bilingual education project.

Under the basic project grant there are two programs. First, an orientation motivation program in a desegregated setting operates in all schools, K-12. Second, a youth program designed to increase the retention power of junior high school youths who have demonstrated a potential for dropping out of school or have a high absenteeism rate. The pilot grant programs are geared to improving the instructional program in selected elementary and secondary schools. The bilingual education program operates for all grades K-12 in 15 public schools.

Denver administrators contended that ESAA is defeating its own purpose by being too restrictive. They feel that pilot programs should not be limited to 50% minority schools. They also submit that when the Court orders bilingual programs for six schools, ESAA money should be available for use in these six schools. (ESAA money is used in 15 other schools in Denver). They argue that in the application process the assignment of points gives undue weight to some categories and that the review panel in Region VIII is unaware of urban school district problems.

The Federal Program administrators of Denver felt non-public and private schools should not be included in the school district application because these schools do not have to meet ethnic requirements and only have to file a statement saying they are not discriminating. They believe that non-public schools, like non-profit organizations, should apply separately for ESAA funds because these schools are not enhancing the desegregation process.

Appropriation of funds 2 or 3 years in advance to permit better staff and facility planning is another way to alleviate some of the ESAA applications problems, according to the Denver federal administrators.

MONTGOMERY COUNTY, MARYLAND

In 1958 Montgomery County developed a plan for desegregation that was accomplished by 1961.

In 1967, Montgomery County passed an open housing law. Blacks dominated the Rosemary Hill area by 1974. The school district proposed the pairing of the Rosemary Hill schools and the Chevy Chase schools. Parents in the Rosemary Hill area

brought suit and HEW ruled that there was no dejure segregation and that the school district had attempted everything conceivable. The school district has continued to implement a number of options designed to further integration. The Montgomery School System is a good example of voluntary desegregation.

Montgomery County administrators stated they did not fare too well in the ESAA application process because they were competing with a group of larger cities in its region. Montgomery County is primarily a suburban community with 15% minority population. The School Board worked closely with the Philadelphia Regional Office in securing funding.

Montgomery County has three programs. The first two are funded for two years and the third for three years. These programs are:

1. Alternative School Program - This program is a work-study program to help children who are drop outs.
2. Bilingual Program - This program is a bilingual/bicultural program which aids youngsters who are having language problems with their peers.
3. Quality Integration Action Team - This program is one which provides resources for the teacher. The teams serve 22 elementary schools.

Montgomery County's funding under ESAA is uncertain and the district is concerned that it will not be able to procure funds in the future on a competitive basis.

CORPUS CHRISTI

In 1968 a suit was filed to desegregate Corpus Christi's alleged dual school system. Desegregation was mandated by the court and the school district has been under a court-ordered computerized busing plan for the elementary schools since the 1975-76 school year. The junior high schools were desegregated beginning with the 1976-77 school year by a lottery-pairing plan, and a plan to include the high schools in the desegregation order is being developed for the 1977-78 school year.

When Corpus Christi first applied for ESAA funds, it had developed a voluntary transfer desegregation plan. This plan was not approved and Corpus did not receive ESAA funds. Following the desegregation court order, the school district has had no difficulty in qualifying for ESAA monies. The district received $90,000 in school year 1975-76 and $282,450 for a basic grant program in 1976-77.

Desegregation is an issue which has been of great concern to the School Board in the past few years. Busing associated with desegregation has been equated with federal funds - in particular funds through the ESAA program. In August, 1976, the School Board turned down an application prepared by the school administration for $378,000 in discretionary funds to help implement junior high desegregation. This followed protests during a School Board meeting by a group of vocal community members and parents organized to resist desegregation efforts. These community members associated acceptance of ESAA funds with more federal control over the school system's desegregation efforts. The ESAA application for the 1977-78 school year was developed in close consultation with the School Board, keeping the members informed about tentative programs in the application. In January, 1977, the Board approved the application for ESAA funds with several changes, including a deletion of the evaluation part of the proposal. Evaluation was viewed as a way of inflaming anti-busing sentiment. The 15 member advisory board is keeping tabs on the progress of the ESAA program.

At present, five programs are being implemented in the elementary schools with ESAA funding. One of the main programs is the teacher renewal center for in-service teacher education. This is an instructional facilitator program in which five facilitators are employed by elementary schools. Their function is to coordinate the instructional programs of children who have been bused so that their education will not be disrupted by a year's move to a new school with a different type of curriculum.

Another program has eleven "community liaison aides", six of whom are funded through the ESAA program. Their function is to assist in solving any problems incident to the desegregation process in the schools and to facilitate communication between school and home. A community information program has also been established to gain support for the desegregation plan.

The ESAA program director felt the competitive nature of the program weighed heavily for applications from court-ordered desegregation plan schools; he did favor this weighting since Corpus has such a plan. Corpus considered the technical assistance received to be adequate although the district did not receive any guidelines on how to apply and what programs to stress. At the present time the district receives no feedback from OE on why a program may be deleted from its application.

The main problem facing ESAA administrators in Corpus Christi is the short time allotted for the development of the application proposal. Time allotted for the application

process falls within the Christmas holidays and this creates a strain because of the needed input from individual staff and personnel, district program administrators, the ESAA advisory committee, the School Board, Texas Education Agency and from citizens at a public hearing.

A potential for conflict in Corpus Christi is the struggle for more power and influence by the advisory committee. The advisory committee would like to be involved in the application design. However, the school administrators maintain control over the design of the program and, in fact, did not inform the advisory committee of some changes they made on the application in order to make it more appealing to the School Board.

OAKLAND

Oakland was the first major California school system to have a majority of Black students. Administrative surveys have revealed that the problem of de facto segregation is greatest at the elementary level, less marked at the junior high level, and least marked at the senior high level.

While segregation in public schools does exist, it is not a major issue. This phenomenon can be explained by several interrelated factors. First, the Blacks are no more interested in integration than the Whites. Second, since the district is predominantly non-white, it would be difficult to desegregate schools. Third, since Blacks hold some of the key administrative positions in the school system, there is not a distinct adversary relationship between the district and black community leaders which could prompt minorities to push for desegregation.

Because Oakland has neither a voluntary desegregation plan, nor is under court order, it is not eligible for ESAA. No segregation suits have been filed in Oakland.

MILWAUKEE

The original civil rights suit claiming that unlawful segregation existed in the Milwaukee Independent School District was filed in 1964. But a final desegregation plan order was not developed until 1977. In 1976, by virtue of a court ordered first step desegregation plan, Milwaukee was eligible to apply for an ESAA grant. It applied for an "emergency" grant and it

was funded directly from Washington. The original amount of the grant application was 13.2 million dollars; OE pared it down to $3.4 million.

It was necessary for the Milwaukee Independent School District to apply for a waiver because it was found in non-compliance with Title VI requirements when OCR examined Milwaukee's application. The "waiver of eligibility" required the MISD to agree that the court had grounds for its finding of segregation and that desegregation had to come to an end and would not be repeated in Milwaukee.

The ESAA advisory committee was set up rapidly when MISD first applied for ESAA funds. OE suggested changes in the advisory committee when it discovered that the committee was 1/2 minority and 1/2 white. The federal mandate is 1/3 White, 1/3 Brown, and 1/3 Black. Since only about 5% of the Milwaukee school population is Brown, some MISD administrators feel that the Brown representation in ESAA is much greater than its community size warrants. The advisory committee has voted to increase the advisory committee to 21 members.

The ESAA program currently consists of six components; one administrative unit, an evaluation unit, and four program units. The 1977 application substantially conforms to the present program. This year the ESAA application went through the normal funding cycle. The programs reach minority isolated populations in either intensive math-reading aid or human relations for staff and students.

Milwaukee school administrators feel there is too short a time period in the application process from the time they receive technical assistance to the time they must submit their proposal.

The administrators also observed that school districts which are under a court order to desegregate are inherently not in compliance with Title VI of the Civil Rights Act. Therefore, they suggest that OCR refrain from making a compliance check until the court order has been in existence for a specified time (for example, three years).

SUMMARY

Local school districts appear to be using ESAA funds for a variety of programs and activities. The districts included in this study, however, identified a number of programmatic and procedural issues:

1. The limitation on the use of ESAA funds for any program included within the court order;

2. The failure of ESAA funds to serve as an incentive for voluntary desegregation or to reward voluntary desegregation efforts;

3. The requirement that the advisory committee be composed of one-third Black, Brown and Anglo members;

4. The use of the waiver procedure for a school district under court order; and

5. Timing problems involving the application process.

FOOTNOTES

[1] Annual Evaluation Report on Programs Administered by the Office of Education, FY 1973. U.S. Department of HEW. Office of Education - Office of Planning, Budgeting, and Evaluation (undated), p. 80.

[2] Ibid.

[3] Op. cit., p. 81.

[4] Ibid.

[5] Ibid.

[6] A compilation of Federal Education Laws as Amended Through December 31, 1974. U.S. Government Printing Office, Washington, D.C., February, 1975, pp. 154-155.

[7] Ibid., pp. 155-156.

[8] United States Code, Congressional and Administrative News. 93rd Congress - Second Session, 1974, Vol. 1, pp. 666-667.

[9] Annual Evaluation Report on Programs Administered by the U.S. Office of Education, FY 1975. U.S. Department of HEW. Office of Education - Office of Planning, Budgeting, and Evaluation (undated), p. 170.

[10] Coulison, John E., National Evaluation of the Emerging School Aid Act (ESAA); Summary of the Secondary-Year Studies. System Development Corporation. Santa Monica, California, 1976, 23 pp.

[11] Ibid., pp. 9-10.

[12] The process, including timelines, are those supplied by the Dallas Office and may be applicable only for the five states in Region VI.

[13] Federal Register, Vol. 40, No. 114 - Thursday, June 12, 1975, p. 25174.

[14] Federal Register, Vol. 38, No. 24 - Thursday, February 6, 1973, p. 3457.

CHAPTER 3

BILINGUAL/BICULTURAL EDUCATION

Bilingual education efforts are characterized by a multitude of funding sources, regulations and guidelines, and philosophies. There are a number of federal funding sources which relate directly to bilingual education or make provision for bilingual/bicultural activities. Title I, Title I Migrant, ESAA Bilingual, and Title VII are the major sources for federal support. The focus of this chapter is Title VII of the Elementary and Secondary Education Act.

The major debate involving federal policies related to bilingual education centers on the transition vs maintenance distinction. One group of advocates argues that bilingual programs supported by federal dollars should move non English speaking children to English speaking classes - hence the programs serve a transition function. The other position argues that non English speaking children should receive an education in their own languages; programs should thus serve a maintenance function.

Four of the states (California, Colorado, Texas, and Wisconsin) involved in our study have their own bilingual education laws providing funds and accompanying guidelines. There is a wide variance among the states as to philosophy, level of financial support, and congruency with federal policy. For example, California has enacted AB 1329 which will go into effect as of September 1977, and requires that every limited English speaking ability child (LESA) be identified and served. On the other hand, Texas has a bilingual law, SB 121, which is limited to serving children K-3 and then only in those school districts with 20 or more LESA children per grade. Texas is attempting to convince federal officials to modify their requirements and allow Texas to substitute state law for federal requirements.

Local philosophy and financial commitment also vary with respect to bilingual education. Many argue that the responsibility of public schools is to teach children to function in the English language and that the responsibility for the maintenance of a minority language or cultural heritage is the role of the parents.

CIVIL RIGHTS QUESTIONS: LAU

Another controversy involves the enforcement of the Civil Rights Act of 1964 as it relates to equal educational opportunity for LESA children. Subsequent to the review and

analysis of Title VI compliance data submitted by selected school districts across the nation, the Office for Civil Rights identified "a number of common practices" within districts with large Spanish-surnamed or other national origin-minority student populations such as Chinese or Portugese. These practices had the effect of "denying equality of educational opportunity" to these minority group pupils.

In a memorandum of May 25, 1970, J. Stanley Pottinger, OCR Director, issued a policy statement regarding the instruction of students with special language needs. The memo states that "Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to the students." The memo continued by defining the discriminatory practices revealed through the compliance survey and policy statements were issued in an effort to rectify these past practices. School districts were not to assign students with English deficiencies to "special education" classrooms based on criteria which measure "English language skills." Ability grouping should be designed to aid limited and non-English speakers, but should not be a "permanent track." Districts were not to deny these students access to college preparatory courses simply because of English deficiencies. Finally, districts were to give notice of school activities to parents of these students in their home language, when necessary.

On January 21, 1974, the United States Supreme Court reinforced the policies issued in the May 25 memorandum in its ruling in Lau v. Nichols. The plaintiffs charged that the San Francisco School District had denied non-English speaking Chinese students a meaningful education, thereby violating Title VI of the Civil Rights Act of 1964. The Court, in its deliberations, considered whether the OCR guidelines set forth in the May 25 memorandum were "reasonable" for the school district to follow. In deciding for the plaintiff, the Supreme Court upheld DHEW/OCR's policy guidelines as "reasonable" and prohibited certain educational practices by which "students who do not understand English are effectively foreclosed from any meaningful education."

In order to facilitate voluntary compliance in cases of "Lau" violations, OCR designated a Task Force to develop remedies for problems of language discrimination against national origin minority students. The document subsequently developed is formally called "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under Lau v. Nichols." Presented in outline form, the educational approaches set forth in the document constitute appropriate "affirmative steps" which a non-complying district may take in order to correct designated violations.

School districts in the "non-compliance" category were required to develop, and submit to OCR, plans designed to eliminate discriminatory educational practices. As a policy matter, OCR would accept those compliance plans which include corrective strategies consistent with the approaches developed by the Task Force. However, in the event that a district submitted a voluntary plan which was not consistent with those approaches, that district would be required to "demonstrate affirmatively" that its plan would be "equally effective in ensuring equal educational opportunity."

Additionally, General Assistance Centers, commonly referred to as "Lau Centers" were established in order to provide technical assistance to those school districts developing voluntary compliance plans.

In March 1974, OCR identified 334 school districts which should have been providing eligible students with special language instruction. Data collected in the Fall of 1972 served as the basis for identifying these districts. OCR surveys reported those students whose primary or home language was other than English and the number and percentage of those students who were not receiving any special instruction at that time.

The OCR considers three major areas when reviewing Title VI compliance data under Lau: 1) Identification of the student's primary or home language and the degree to which each student speaks and understands English; 2) Educational service delivery - once identified, the degree to which student needs are met; and 3) Staffing patterns - there should be no wide discrepancy between the ratio of limited English speaking students to bilingual teachers and the regular student-teacher ratio. If discrepancies do exist, OCR requires the district to submit a specific recruitment and employment plan for additional bilingual teachers.

The "Lau remedies" were intended to be guidelines to assist non-complying districts in developing plans which would be acceptable to OCR in the enforcement of Title VI under Lau as well as the May 25 memorandum. Lau remedies are neither regulations nor a national plan to which school districts must adhere. Moreover, the interpretation of the remedies varies by OCR regional office. Region IX in San Francisco applies the Lau standards strictly, as if they were actual regulations. Thus, Oakland's plan for compliance incorporates those approaches developed by the Task Force. All districts in the region that are out of compliance with Title VI under "Lau" have been notified of their non-compliance status and have been ordered to submit plans which will correct the designated violations.

In contrast, Region VI in Dallas does not require strict adherence to Lau remedies. That office has made on-site visits to school districts in Texas in order to determine their compliance with Title VI. Corpus Christi, one of the districts visited, is yet to hear from OCR regarding their official compliance status. School officials in Corpus Christi recognize that their bilingual education programs fall short of the Lau remedies. However, to date they have not been required to submit compliance plans which either incorporate Lau remedies or are equivalent to Lau remedies in meeting the needs of limited or non-English speaking students in the district.

This discrepancy in regional enforcement of Lau remedies may be attributed to several factors. First of all, Lau is a San Francisco case and administrators in HEW Region IX are more aware of bilingual education issues than are those in Dallas Region VI. Regional administrators in San Francisco display much stronger leadership toward enforcement of Lau remedies. Secondly, California may be considered more progressive than Texas in its provision of bilingual education programs. Mandatory state laws for bilingual education in California have more stringent requirements for compliance than do state laws in Texas. Additionally, the California Department of Education supports Lau remedies whereas the Texas Education Agency is highly critical of the Lau remedies and resist their enforcement. The pervasive attitude in Texas is that the Lau remedies are excessive and are an example of federal government interference with state policies. Texas argues that its mandatory state law sufficiently meets the educational needs of students of limited or non-English speaking ability. Finally, the regional HEW office in San Francisco and the State Department of Education in California may feel a stronger commitment toward provision of broadly scoped bilingual education programs since the Lau case originated in San Francisco.

Although lower and mid-level administrators in Region VIII in Denver appear dedicated to the enforcement of Title VI, some advocates of bilingual education interviewed charged that top administrators in Region VIII are not committed to ensuring the provision of broadly scoped bilingual programs within school districts. It should be noted that the regional office in Denver has a much smaller staff than the offices in San Francisco and Dallas. Consequently, Region VIII OCR staff time is largely occupied with responding to Title VI and Title XI complaints.

Denver has not been told it is out of compliance with Title VI/Lau. Nevertheless, the Denver School District as well as Region VIII OCR feels that the bilingual program in Denver is strong and that the district would have no problems in complying with the Lau remedies.

Some school districts have indicated specific difficulties in complying with the Task Force Remedies. One problem concerns the identification of, and service delivery to, the eligible students within the districts. The OCR requires a "Lau" plan "when the district has 20 or more students of the same language group identified as having a primary or home language other than English." School districts like Oakland, where a variety of languages are spoken, find it particularly difficult to comply with the 20-student stipulation. Problems occur, first, in identifying all of the special language needs and second, in finding competent personnel to provide instruction in a number of languages. Oakland feels that a more realistic OCR stipulation would be to provide special language instruction when 20 or more students of the same language group are identified in a single school rather than 20 or more students in the entire district. This would allow for more efficient use of limited resources.

Another problem that a district may face in its effort to fully comply with Lau is the development of a maintenance rather than transitional bilingual program. Most districts lack adequate resources to provide programs and competent bilingual teachers for grades K-12. In addition, some parents of students who are eligible for bilingual instruction refuse to allow their children to participate in such programs. These parents believe that in order to function in American society, it is a necessity to speak fluent English. Therefore, they want their children to receive instruction in English only. In school districts where parents resist bilingual education, proposals for maintenance programs pose political hazards.

Local districts find themselves entangled in a series of relationships concerning bilingual education. For Title VII, the district deals with the Office of Education in Washington. For Title I and state bilingual programs, the district must deal with their respective state departments of education. Districts that apply for ESAA funds usually deal with the Regional Office of Education and the Regional Office for Civil Rights, the latter because of Lau compliance requirements.

TITLE VII PROGRAMS

Congress enacted the 1968 Bilingual Education Act or Title VII of the Elementary and Secondary Education Act of 1965, as amended, providing supplemental funding for school districts interested in establishing programs to meet the "special needs of large numbers of children of limited English speaking ability."[1] At that time, the children served under Title VII also had to be from low income families. Funding was provided for planning and developing bilingual programs, preservice training, and for operation of programs, including

bilingual education, early childhood education, adult education, dropout programs, vocational programs, and courses dealing with the history and culture of the language minority group being served.[2]

After five years of funding, little was known about the success or failure of bilingual programs. A major weakness of the 1968 Act was its failure to provide the basis for evaluation of programs funded under the Act.

The 1974 Amendments, which superseded the 1968 Act, was more explicit. Bilingual education was defined for the first time.

> Instruction given in, and study of English and to the extent necessary to allow a child to progress effectively through the educational system, the native language of the children of limited English-speaking ability, and such instruction is given with appreciation for the cultural heritage of such children, and, with respect to elementary school instruction, be in all courses or subjects of study which will allow the child to progress effectively through the educational system.[3]

In fiscal year 1976, $97,770,000 was appropriated and $90,000,000 has been appropriated for 1977.

Funds may be used for (1) the establishment, operation, and improvement of programs of bilingual education; (2) auxiliary and supplementary community and educational activities designed to facilitate and expand the implementation of such programs; (3) the preparation of personnel for bilingual education programs, teacher training, including career development opportunities, short-term training institutes, and fellowships for study in the field; (4) curriculum and materials development, including assessment and dissemination; and (5) planning and technical assistance for the development of bilingual programs. Federal funds made available under this title will be used to supplement, not to supplant, existing funds.

To be eligible for Title VII funds, the child must be non-English speaking or of limited English speaking ability, ages 3 to 18, who come from families whose annual income does not exceed the low annual income determined pursuant to Section 103 of Title I ESEA. Children in both public and non-profit private schools are eligible.

Title VII applications are competitive and must be coordinated with State education agencies and a local Community Advisory Group. The application is submitted to the Office of Education. Based upon recommendations and priority rankings

by outside experts and a critical review of all proposals, and recommendations from State Departments of Education, the OE makes final approval of grants awards.

Applications must furnish: (1) the number of resident non-English speaking children; (2) the needs of the local education agency which justify the program; (3) qualifications of the personnel to be used; (4) the research and resources to conduct the project; (5) economic efficiency information; (6) extent of community involvement in project planning and implementation; (7) local commitment after Federal funds termination; and (8) plans for staff development and training.

In evaluating applications for assistance the following criteria (point system) are applied:

1. Need for Assistance (20 points)
   a. The number and percentage of LESA children enrolled
   b. The extent of such children's lack of competence
   c. Recommendations from the appropriate state department of education as to the need for described activities.
2. Approach (50 points)
   a. The extent to which objectives designed to meet assessed needs are interrelated, specific, measurable, and realistically attainable; and the extent to which the program concentrates services for a limited number of participants
   b. The extent to which the program:
      1. Employs a comprehensive approach to instruction in English and the other language involved
      2. Incorporates instruction in history and culture of the U.S. and the other culture involved
      3. Includes effective use of the cultural and educational resources in the area
      4. Facilitates conceptual development of reading and writing skill in both languages
      5. Provides for benefiting persons from low-income families
   c. The extent to which the program includes adequate staffing and employs qualified personnel
   d. The extent to which:
      1. Auxiliary and supplementary community and educational activities are included
      2. Opportunities for the participation of community advisory committee are described
   e. The extent to which auxiliary and supplementary training activities are included
3. Administration (15 points)
   a. The extent to which:
      1. Effective methods of administration are set out
      2. Effective financial management procedures are set out

b. Reasonable cost for services and property, and evidence of minimizing requests for the purchase of equipment
c. Procedures for effective coordination of program with other non-funded programs

4. Evaluation (15 points)
The extent to which an evaluation design is set forth which ensures reliable and comprehensive assessment of the performance of the participants

A local school district may comment on the proposed federal regulations during the normal 30 day reaction period before the regulations are finalized. This usually occurs late in December.

In the development of the proposal, the district must establish an advisory committee, conduct a needs assessment, and identify the children to receive services. Based on the needs, the objectives and activities are developed. The proposal must then be presented at a public hearing within 30 days of the submission to the Office of Education.

After the hearing and advisory committee sign-off, the proposal is sent to the state department of education for comment. Following this, the grant application is sent to the Office of Education in Washington. A panel of experts then reviews the application based on the point system outlined above. If the district is to be funded, OE contacts the district by phone with a specific dollar response which is subject to further negotiations.

In May the district receives formal notification of its grant award. Funds begin to flow on a quarterly basis as of July 1. During the course of the project the district is required to file semi-annual financial and program reports. The first are due on December 31 and the final reports, both financial and program, are due within 90 days after June 30. Decisions on funding renewal are based on an evaluation of these reports.

The Office for Civil Rights is assuming an increasingly larger role in bilingual education. In their Lau compliance effort, they are involved in approving program plans which are much more comprehensive than those the Office of Education requires for Title VII. The Title VII philosophy is one of a voluntary demonstration and capacity building effort with guidelines which are of a fairly general nature. On the other hand, the Lau remedies which OCR is using contain very specific and comprehensive suggestions. Application of the Lau remedies will increase by a substantial number students participating in bilingual or remedial education programs.

OAKLAND

The Oakland Unified School District (OUSD) first received ESEA Title VII funds in 1972. Currently, the district receives in excess of $450,000 in Title VII funds. An equal amount of state funds are received and the district uses a substantial amount of local funds for central office staff and teachers. In some schools, bilingual programs are financed with Title I, S.B. 90, and Early Childhood Education funds.

These funds are being used to implement bilingual programs designed to bring the district into compliance with the Lau v. Nichols decision. Under Title I, ESEA, and S.B. 90, the state counterpart, the district receives $387,055 for "meeting the educational needs of LESA students." Schools have different plans, depending upon the assessed needs of the students, but they provide transitional bilingual education. In addition, local funds will be used for resource teachers, instructional aides and a number of itinerant teachers. The distribution of these personnel is based on the concentration of LESA children.

Title VII, ESEA, funds are used in three programs which serve elementary schools. The Comprehensive Bilingual Demonstration Project receives $176,000 and serves Navajo, Philipino, and Vietnamese LESA students. Supplemental instruction is provided in basic school subjects. The Bay Area Bilingual League (BABEL) provides $190,000 for Chinese and Spanish bilingual classes, staffed by bilingual teachers and aides. This program serves 600 students. The Native-American Drop In Center receives $59,554 and provides cultural enrichment activities which are carried out in a community center with three staff members.

The Vietnamese Emergency Refugee Act provides $76,000 for instructional aides and materials for K-12 Vietnamese students. One hundred-ninty-six students are served in this program.

On the secondary level, Oakland receives $126,425 from Title I and S.B. 90 for programs which teach subject matter in the native language and English as a second language (ESL). A.B. 2284, the state's bilingual aid program, provides $42,000, which is used for instructional aides in two junior high schools. The BASTA Program is also funded by A.B. 2284 funds ($260,000). It provides bilingual bicultural programs for Chinese and Spanish students in 4 junior highs and 2 high schools.

Education Para La Raza is funded through Title IV-C ($146,000). It provides remedial assistance in basic skills for 240 students.

A relatively large sum of money from local sources is being budgeted for use in Oakland's bilingual program next year; however, the school board has not approved the budget as of this date (May 1977).

Proposals are developed primarily by the district staff with input from parent advisory groups. Separate proposals are developed for Spanish, Chinese, and Native American Bilingual Programs. Proposal development and community involvement have apparently not caused any major problems in the district.

In the past, bilingual education has not been a major priority in Oakland. However, the need for the bilingual programs has been recognized and more and more children are being served. A clear instructional philosophy has not yet emerged. Some parents are not interested at all in bilingual education for their children; some prefer a transitional approach; while some want a maintenance-type program.

Oakland has good relations with both the state bilingual office and the bilingual officials in the Office of Education. A high ranking official of the district is responsible for state and federal contacts.

The state of California has taken a much more active role in bilingual education than have the other states in this study. The state has recently amended its bilingual act to bring it into compliance with Lau v. Nichols.

Oakland has 15 languages other than English spoken by its students. While most of them speak Spanish or Chinese, the school system must also provide instructional services for children in the other language groups. There is a critical problem of finding instructional materials and staff for such diversified needs.

CORPUS CHRISTI

Title VII is the primary source of money for bilingual education, providing $147,643 for the 1976-77 school year. The district also receives $51,490 under the state bilingual education act.

The Title VII program is called "Aprendemos en dos idiomas." Five schools are involved. The program is a bilingual/bicultural program stressing language development and the learning of two cultures. The program offers instruction in English and Spanish in language arts, mathematics, and social studies. The project also uses Title VII bilingual diagnostic teachers at four of the school campuses. The bilingual program has been viewed as an exemplary model by the Office of Education.

A July 1975 court ordered plan for school desegregation was implemented in the 1975-76 school year and greatly affects bilingual planning. Before the order, the school district had identified eligible children at each of the respective campuses. Under the order these eligible children are dispersed to various campuses. Furthermore, the ordered plan contains a provision for use of a lottery each year for selection of children to be bused. This means that each year there will be a turnover of 25% to 50% of the students in the bilingual program. The net effect will be a substantial reduction of students in the program with a corresponding dilution of its overall effectiveness.

According to one district official, the school district's communication with Washington "always appears to be negative." But the district's track record for bilingual programs gives it an advantage over the other proposals from the state.

Corpus Christi school officials advanced two complaints concerning the administration of Title VII by OE. The first has to do with timing of grant applications. To prepare an application requires up to date information of relevant rules and regulations and current instructions from OE. This past year, neither were available until mid-January; nonetheless, the deadline for submission of proposals was February 10. The school district was expected to assess needs, prepare their proposal, submit it to the various advisory groups for feedback, have the proposal okayed by the school board and submit it to the Office of Education - all within a thirty day period.

Corpus Christi also complains that OE makes budget cuts in its Title VII application without providing reasons for doing so. This past year the budget was cut by the Office of Education from $209,196 to $147,643. The budget cuts were made without a reduction in the number of programs or activities included in the application. The school district and the Office of Education negotiate as late as June over the amount of federal funds the school district will receive. One official noted that "they will call you on the telephone and say we will give you X dollars. The question is where does OE get this magic figure." District officials are left with the impression that the Office of Education is trying to run Title VII programs from behind a desk in Washington.

Corpus Christi apparently has better channels of communication with the Texas Education Agency. TEA offers technical assistance through seminars, workshops and other help in writing grant proposals. Apparently TEA has good channels of communication with the Office of Education. TEA informs the Corpus Christi school district as to what the Office of Education is emphasizing in a particular year. The school district then highlights the program which is consistent with the OE emphasis.

MILWAUKEE

Bilingual/bicultural education in Milwaukee began in 1969 when the school district received a Title VII grant. Since then no grant application has been refused. The school district also raised money locally to help fund the program. Currently, bilingual education is funded by the state bilingual education act, local funds, Title VII of ESEA and Title I Migrant of ESEA. The program stresses both bilingual and bicultural activities. The strong German cultural background helps further the acceptance of programs designed to promote cultural traditions. Thus, Title VII programs emphasize the multi-cultural issues.

Milwaukee has a relatively small minority group in need of bilingual education. There are about 5,000 Spanish-surnamed pupils in the Milwaukee school district, only 4% of the school district's total student enrollment. However, the number of Spanish-surnamed pupils continues to grow every year.

The contacts with the Office of Education are on an informal basis. The school district does not rely on the Office of Education for technical assistance in applying for funds. Instead it relies on other information sources, for example, the Midwest Resource Center in Illinois.

The Latino advisory committee to the district believes it does have input into the federal bilingual programs. However, several members suggested that the school district was unconcerned with Latino problems. The Latino community apparently was also instrumental in passage of the state bilingual education act passed in 1976. The community fears, though, that the influx of state funds will limit the amount of federal money going to the school district.

The present desegregation court order classified the Hispanic community as "White" because they are not identified as a minority. The Hispanic community unsuccessfully petitioned the court for classification as a distinct minority. Hispanic leaders fear that if they are not identified as a minority then a situation may occur where the Blacks are integrated with the "White" Hispanic community. State funds for bilingual education then would be in jeopardy because the state act identifies the Hispanic as a minority and prohibits the use of state bilingual funds where there is minority to minority school transfer.

DENVER

Currently the Denver public schools receive money for bilingual education under both federal and state programs. A

grant of $717,062 under Title IV of the Emergency School Aid Act was awarded in 1975. The project operates in fifteen schools, grades K-12. These schools have a high concentration of Spanish-surnamed pupils. The project is aimed at meeting the needs of pupils who have different linguistic skills because of the influence of another language in their cultural environment. There are diagnostic centers throughout the district. These centers attempt to meet the educational needs of bilingual students by treating English as a second language. Cultural arts and understanding programs also exist to promote an understanding of the different cultures within the district. Under the state bilingual education act, H.B. 1295, a program exists at six schools, grades K-3, designed to improve the effectiveness of bilingual students. However, the program at the secondary level has been characterized as non-existent by a member of the Congress for Hispano Educators.

The bilingual program in the Denver Independent School District began with a grant under Title VII of ESEA. The grant was awarded for a five year period from 1969 to 1974. However, this grant was not renewed in 1974. This represented a loss of approximately $1,700,000 to the school district. No official reason was given as to why Denver lost these funds but two different viewpoints are held within the school system. One administrator believed that such grants are given out in five year cycles and Denver had just completed its fifth year. Thus the administrator felt the money was merely being transferred to another deserving school district. Other officials believe it was the lack of commitment to bilingual education on the part of the school district which hurt Denver's application in 1974. These officials view Title VII as "seed money" meant to help Denver set up its bilingual program. They believe the Denver school district had no intention of funding the bilingual programs with money raised locally. Thus, the district lost $1.7 million just as it was under a desegregation court order.

The bilingual programs under Title IV of ESAA are submitted to the parent advisory committee for bilingual education. This advisory group is composed of twelve parents of children in the bilingual program and four administrators. The parents are active participants in this advisory group which must approve all bilingual programs before they are included in the final ESAA application. After the entire ESAA application has been submitted to the ESAA advisory committee for comment, the final proposal is submitted to the Office of Education.

Bilingual education requirements were a part of the federal court order handed down in 1975. The order required the Denver school district to provide bilingual education in six elementary schools.

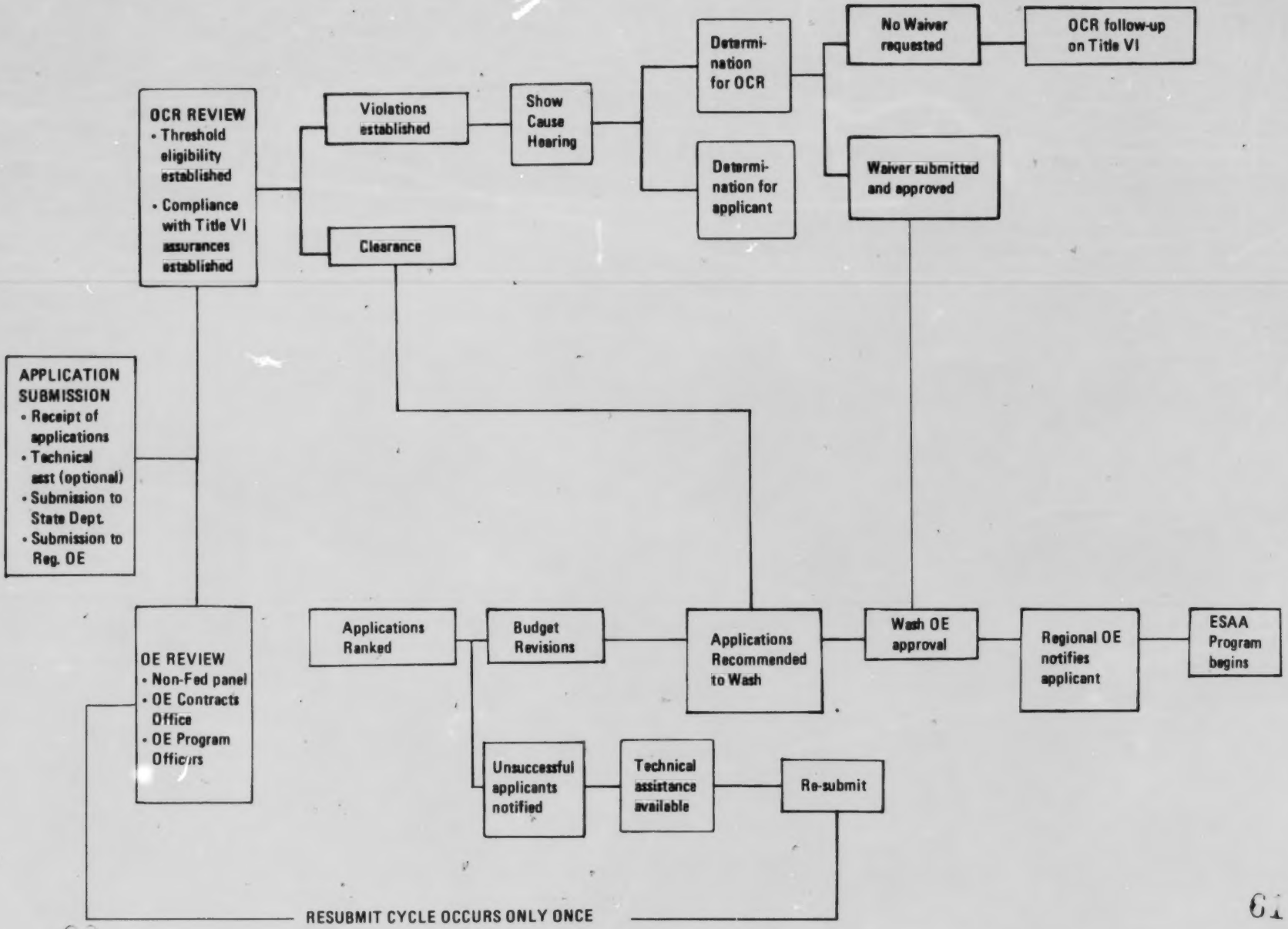
Under Colorado's bilingual program, a student must be linguistically or culturally different to be eligible for state funding. According to this criteria, Denver has identified over forty schools which are eligible. However, the limited amount of state funds means only six of these schools can be funded. The low level of state funding is partially the result of budgeting procedures within the state of Colorado. Colorado's school finance law stipulates that before the district is allowed to increase its budget by more than seven percent, the budget must be approved by the state review board composed of the Lieutenant Governor, the President of the State Board, and the State Treasurer. The state tends to view Denver's budget as "big spending," ignoring the argument that because of the large student population with special needs, extra money is needed to meet those needs. As a result, Denver's application for $400,000 in state funds for bilingual education was reduced to $165,583. Yet the state expects Denver's program to be successful and even wanted the district to justify bilingual education after only one year of operation.

SUMMARY

The case studies of Corpus Christi, Denver, Milwaukee and Oakland reveal a number of problems with the administration of bilingual programs. These include:

1. The conflict between requirements and procedures under Lau and those associated with Title VII of ESEA; and

2. The issues which stem from the lack of formal communication between the local districts and OE.

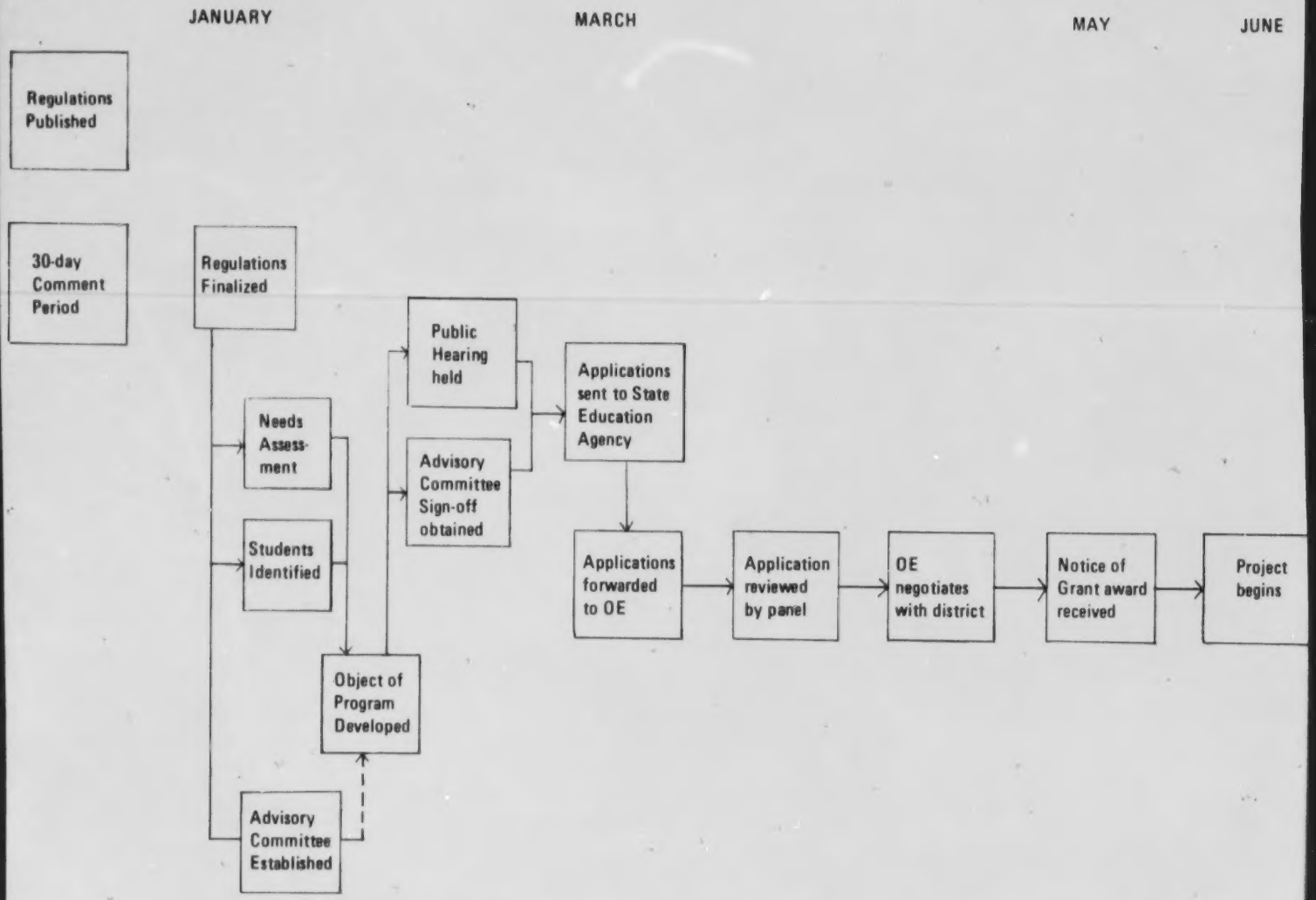

OCR REVIEW
• Threshold eligibility established
• Compliance with Title VI assurances established
Violations established
Show Cause Hearing
Determination for OCR
Determination for applicant
No Waiver requested
OCR follow-up on Title VI
Waiver submitted and approved
Clearance
APPLICATION SUBMISSION
• Receipt of applications
• Technical asst (optional)
• Submission to State Dept.
• Submission to Reg. OE
OE REVIEW
• Non-Fed panel
• OE Contracts Office
• OE Program Officers
Applications Ranked
Budget Revisions
Applications Recommended to Wash
Wash OE approval
Regional OE notifies applicant
ESAA Program begins
Unsuccessful applicants notified
Technical assistance available
Re-submit
RESUBMIT CYCLE OCCURS ONLY ONCE

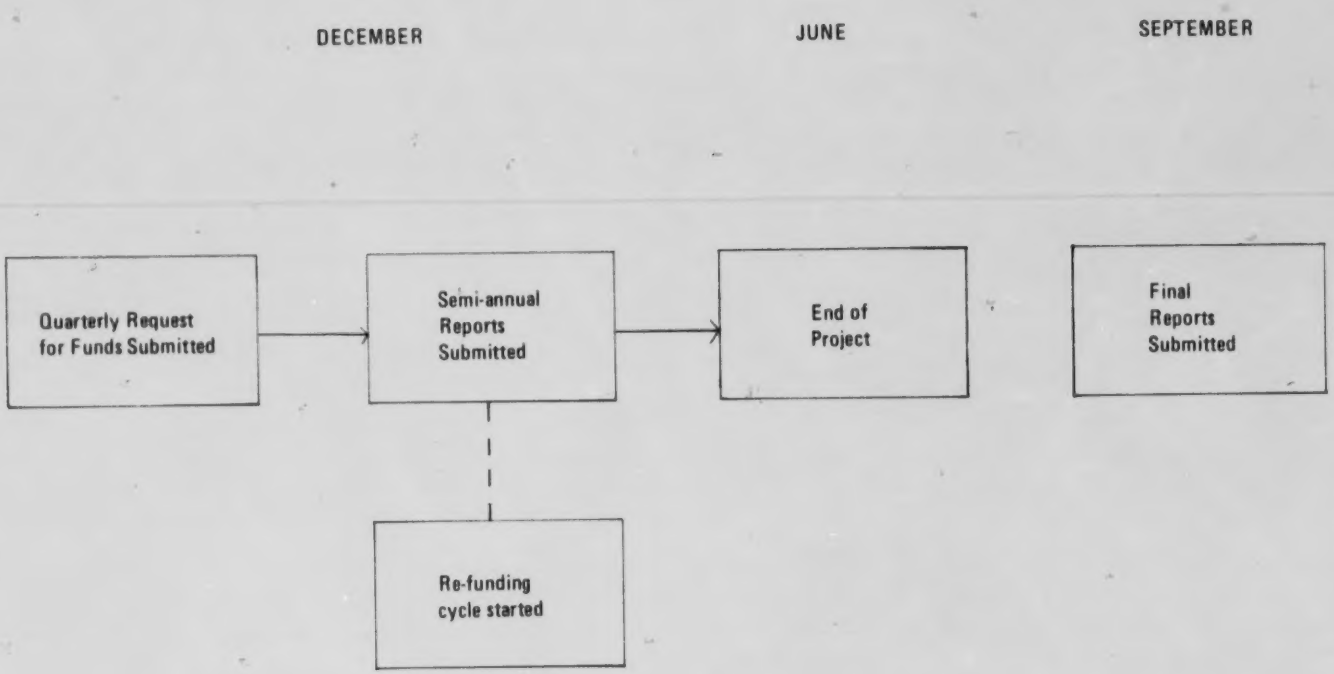
FOOTNOTES

[1] 20 U.SC. §880b et seq. (1970).

[2] 20 U.SC. §880-2 (1970).

[3] 20 USCA §880b-1 (4)(A)(6)(Supp. 1975).


JANUARY
MARCH
MAY
JUNE
Regulations Published
30-day Comment Period
Regulations Finalized
Needs Assess-ment
Students Identified
Object of Program Developed
Advisory Committee Established
Public Hearing held
Advisory Committee Sign-off obtained
Applications sent to State Education Agency
Applications forwarded to OE
Application reviewed by panel
OE negotiates with district
Notice of Grant award received
Project begins


DECEMBER
JUNE
SEPTEMBER
Quarterly Request for Funds Submitted
Semi-annual Reports Submitted
End of Project
Final Reports Submitted
Re-funding cycle started

CHAPTER 4

TITLE I OF ESEA

INTRODUCTION: LEGISLATIVE HISTORY AND PROGRAM THRUST

The Elementary and Secondary Education Act was passed by Congress in 1965 to provide federal support for public school education. Title I of that act provided for a supplementary educational effort for economically and educationally disadvantaged children. Billions of federal tax dollars have been spent in this effort. Title I operates through the federal funding system, but state and local governments determine what it will be in practice by delivering services to their own students. Although there is only one Title I program, i.e., only one basic framework of laws and policies, it operates differently in every state, in 14,000 school districts, and in numerous classrooms. To understand Title I it is necessary to consider how federal policy decision affects state and local educational agencies that actually implement the programs.

The Elementary and Secondary Education Act (ESEA) of 1965 was the first general aid to education bill passed by the U.S. Congress. Title I is the heart of ESEA and it is designed to meet the needs of educationally deprived children in low income areas.

The objective of the Title I program is to contribute to the cognitive, emotional, social or physical development of participating students. As this implies, Title I funds are not limited to programs of traditional academic studies. Instead they can also provide services requisite to obtaining a meaningful education, e.g., counseling programs or free breakfast programs.

BUDGET AND ELIGIBILITY

The distribution formula for Title I funds to the local district is based on each state's average spending per student and its number of children from low-income families. The Act says that the districts can use the money for programs "designed to meet the special educational needs of educationally deprived children".

The formula for receiving Title I funds is rather unique to federal programs in that the funding is an entitlement. It is not based on a competitive formula. Therefore, over 95% of the school districts receive Title I funds.

In 1970 Congress made comparability a prerequisite for receiving Title I funds. State and local funds must be used in each school district receiving Title I money "to provide services in (Title I) project areas, which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this title (I)". The criteria for establishing comparability are: ratio of pupils to instructional staff, per pupil expenditure for instructional salaries, and per pupil expenditure for instructional materials and supplies.

School districts determine which schools among eligible high concentration areas will receive its Title I programs. Eligibility for Title I is determined in a two step process. First, a school attendance zone containing a concentration of low-income families is eligible for Title I funds. Various methods are used to define a low-income family, e.g., if a family is an AFDC recipient. Second, children in such an attendance zone, regardless of economic status, are eligible to participate if they are educationally deprived. An educationally deprived child is one who scores below the 31 percentile on a standardized achievement test.

The regulations mandate that district-wide parent advisory councils be set up with a majority of their members Title I parents. These councils are intended to be involved in the planning, development, operation, and evaluation of the districts's Title I program. The purpose of parent Advisory Councils is to insure community participation. In the cities in this study, community involvement ranges from participating in decision making to simple parent education about Title I to no parent involvement at all.

OE ROLE: DC AND REGIONS

Title I conforms to the multi-layered government structure; it is federally financed, state coordinated, and locally implemented.

The federal responsibility for Title I was mandated by the Act (ESEA) to the Commissioner of Education and/or the Office of Education. The Office of Education determines the funding allocation for eligible counties and state education agencies. It sends the funds for all the eligible counties in each state to the state education agency.

Another major task of the Office of Education, and its regional offices, is the dissemination of information to the state and local school officials concerning federal requirements for Title I, e.g., regulations and program directives.

The Office of Education (generally regional officials) also monitors the local district's Title I program to determine whether or not federal regulations are being met and if improvements could be made in the program. This feedback goes back to the state education agency which, in turn, relates it to the local district.

The state education agency (SEA) administers all Title I programs in the state and acts as a liaison between the Office of Education and the local school districts with Title I programs. There are several different approaches state agencies take toward administering Title I. For instance, some state offices vigorously monitor local programs and have their own evaluations. Others simply allocate federal funds to localities and collect proposals with minimal monitoring.

The SEA approves the district's Title I application each year, and can be called on for technical assistance during the planning process. The application includes information on district planning of the Title I program and the operation of that program. If approved, this application is the instrument used by the SEA to monitor the local district's Title I activities.

The state education agency divides the state allocated Title I funds among eligible school districts in each county. Aid to Families with Dependent Children (AFDC), school lunch programs, or census data, generally are the sources used to suballocate funds in different counties. Each school district must be allocated funds on the basis of the same county-wide method.

The local education agency (LEA) is responsible for the planning, operation, and evaluation segments of the Title I program. The LEA designs the actual program in accordance with the special educational needs of its children. The programs vary a great deal from city to city. Decision-making, planning, and project selection can be made by a central authority in the locality or at the school. However, there is a general pattern of local administration and what follows is a brief description of that pattern.

The local district decides which schools in the district will be project areas (attendance area whose children will get Title I services). It selects these eligible attendance areas (neighborhood from which a school gets its students) on the basis of percentage or number of children from low-income families in each area, as indicated by census, school lunch, AFDC data, or other poverty indicators.

Other major responsibilities for the local education agency under Title I include involving the parents in its planning, operation, and evaluation of the Title I program and the coordination of Title I with other compensatory education programs in the district.

FOLLOW-THE-CHILD

Title I presently extends aid to a limited number of schools and students. To be eligible to participate in Title I programs, children must fall into one of the four following categories: (a) children going to school in an attendance area with high concentration of children from low-income families; (b) if attending school outside such areas, live in an attendance area with similarly high concentration in actual attendance; (c) fall in an attendance area which had such a high concentration in either of the two preceding school years; and (d) if throughout a district there are not significant variations among attendance zones in the distribution of children from low-income families, all schools are eligible. Any child attending a Title I school who is educationally disadvantaged may participate in Title I programs. In other words, though schools are chosen to participate in Title I on the basis of the concentration of families that are economically deprived, student participation, once enrolled in a Title I school, is based solely on educational deprivation.

Desegregation often results in changes of attendance areas and in student transfers. In some instances, children who have participated in Title I programs under previous determinations of eligibility are no longer able to participate because they now attend non-Title I schools. Therefore, desegregation can cause the loss of Title I compensatory education assistance to needy and deserving students.

To remedy this problem, it has been proposed that Title I money "follow-the-child" regardless of where he or she attends school. In this way, funding for a child, though small, would benefit that particular student no matter where he or she is moved by the desegregation plan. However, if adopted, this "follow-the-child" system would further disperse Title I funds that are already spread too thinly. Federal funds are already available through the Emergency School Aid Act to provide services to children in desegregated schools.

A "follow-the-child" provision may disrupt the poverty targeting basic to Title I programs. Such a plan may mean a formerly eligible Title I school may not receive funds or may receive a greatly reduced amount because some of the LEA's

Title I funds would be shifted to presently non-eligible schools. This might divert Title I services to schools serving relatively affluent attendance areas while denying like service to such children in low income attendance areas. Ideally, all educationally disadvantaged should be helped. However, as a reality, this cannot be done with federal funding at its present level.

A change over to "follow-the-child" principles could cause antipathy between parents of children receiving services and parents of those attending the same school who do not. The division would probably be along racial lines. Also, Title I eligible children (from pre-desegregation target schools) who are transferred to achieve greater racial balance in a district might be resegregated from non-Title I eligible children in the same school who may have similar educational needs and income status.

The Lawyers' Committee for Civil Rights Under Law has argued that "follow-the-child" reform would cause more problems than it would solve. However, the Title I (educationally disadvantaged) child displaced by desegregation still needs some form of compensatory education. The dilemma is to help the Title I children displaced by desegregation while preserving the integrity of Title I. This might be accomplished by making special provisions for the community involved in desegregation. For example, additional Title I funds might be earmarked for the educational needs of children displaced by desegregation as a transition program during initial years that attendance zones are disrupted.

OCR ROLE

The Office of Civil Rights (OCR) does not sign-off on Title I. Thus, it is not involved in the Title I application review process. Form 441, filled out by Title I recipients, verifies the school district's compliance with Title VI. The prevailing opinion of at least one regional OCR office is that Form 441 represents merely a formality. In at least one case, however, OCR officials did become involved with Title I. During the Denver desegregation court case, at the time when Judge Doyle was developing the desegregation plan as part of his court order, he wanted to include the stipulation that the Title I money follow the children dispersed to new schools through desegregation. Before placing the requirement in the court order, Doyle contacted OCR and OE, asking them whether this was permissible under the law. OCR stated that the Title I money could follow the child, while OE interpreted the regulations to mean that the money could not follow the child. OCR was simply found to be in error in its interpretation and after four weeks of confusion the judge did not include the follow-the-child stipulation in the court order.

MILWAUKEE

Almost ten thousand Milwaukee students participate in Title I programs. Approximately 26 public elementary schools, 6 nonpublic schools and 8 homes for neglected or delinquent children have participated in Milwaukee's Title I programs. These are focused on grades 1-4 in the hope of providing the best results from very limited resources.

Before desegregation definite attendance zones had been established in Mulwaukee that were used as a basis for disbursing Title I funds. An attendance zone, according to Title I guidelines, has to have a concentration of low-income families for the particular school to be eligible for participation in the federal program.

In Milwaukee, court-ordered desegregation resulted in many students attending schools outside their attendance zones. Attendance zones, therefore, no longer provided a relevant basis for determining a school's eligibility for Title I funding. After implementation of the desegregation order it became necessary for school officials to determine eligibility for Title I funds on the basis of the incidence of children from low-income families attending schools rather than residing in attendance zones.

In Milwaukee, therefore, the attendance zones are no longer the basis for Title I program selection. But the schools which will be attended by low-income students will not be known until shortly before the start of the school year. In the coming school year (1977-78), officials have decided to deal with this problem by calculating eligibility based on current school attendance. These calculations will not reflect next year's concentration. After the current year, however, the district may adopt a program that targets Title I programs according to after transfer population.

The Milwaukee Title I officials complained of the detail required by Washington in completing the Title I application. The form requirements range from an in-depth description of proposed Title I programs to complex demographic accounting of eligible children and their corresponding attendance areas.*

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*In fairness to the Title I forms (forms designers), another city praised the application process: Corpus Christi's Title I director said that the application provides a comprehensive blueprint for the coming year's program. In short, it allows (or shall we say, forces) the local education agency to plan each year for Title I programming.

CORPUS CHRISTI

Title I in Corpus Christi involves over 3,000 elementary school students in 19 public and 4 non-public schools. Like some of the other cities in this comparative analysis, desegregation disrupted Title I services, thus producing a policy conflict. In addition to this policy conflict, Corpus Christi experiences a second policy conflict in scheduling Title I and Bilingual education programs.

The desegregation - Title I policy conflict in Corpus Christi differs from that problem in Milwaukee because of the difference in the respective desegregation plans. The Corpus Christi plan consists of permanent "walking" reassignment of about 10,000 elementary school children and temporarily busing 1,800 residual students to acquire racial balance mandated by the court order. Attendance zones, for Title I purposes, remain more or less stable. But the 1,800 residual students represent uncertainty, creating planning and administrative problems. This is particularly true because the Title I application (which is an annual comprehensive plan) is due in Washington on June 1, preceeding the school year.

This problem persists and, in the minds of the school administration and many community leaders, is one of the negative effects of the desegregation plan. Needless to say, there is a lot of dislike for the desegregation plan and its conflict with Title I is just a small part of the reason.

Bilingual education and Title I programs occasionally cause scheduling conflicts when a child is eligible for both programs. A Title I mathematics program cannot supplant a regular mathematics program. Neither can a Title I mathematics student be pulled out of a regular reading class or other "essential" courses. In order to provide the special class, a student must be taken out of a "non-essential" course. The same is true for bilingual (Title VII) students, i.e., they can only be taken out of "non-essential" courses. As a child is eligible for an increasing number of federal programs, fewer "non-essential" courses will remain.

Corpus Christi has recognized the need to coordinate Title I and Bilingual education. It accomplishes this by hiring bilingual teacher aides to assist in Title I classes. In another attempt at coordination, Corpus looks to the number of Title I children in a school when deciding whether or not to place a bilingual program there.

DENVER

The Title I program in Denver has a funding level of approximately three and one half million dollars. The

program serves grades one through twelve and includes a preschool and kindergarten project.

The diagnostic teaching centers, which are in the eighth year of operation in the elementary grades, have been among the most successful Title I projects in Denver. These centers are aimed at increasing the academic achievement of students through the use of diagnosis, prescription, and remediation. Also, a needs assessment project was funded this year to provide accurate data on the difference between the proficiency level that each student has achieved and should achieve at a specific grade level. The District Advisory Council is actively involved in the operation of this project.

Several problems concerning Title I have been voiced by the community and administration in Denver. The issue of Title I funds not following a student when he or she is transferred to a non-Title I school by the court ordered desegregation plan can be seen as a conflict between desegregation and federal education programs. Many community groups in Denver, including members of the Community Education Council, the Parent Advisory Council, and the school board, would be in favor of a change in the regulation allowing the money to follow the children, so that a student would not lose these special services as a result of desegregation. However, the local administration, OE regional officials, and state officials contend that such a change of policy would create new issues such as stigmatization of the Title I student in a desegregated situation. It would be difficult to determine which children to follow, given the limited funds available.

A major inconsistency in general education programs, as voiced by the federal project director, concerns differences in the rules applied to public and private schools receiving Title I funds. Private schools do not have to meet the federal regulations of comparability, maintenance of effort, and other requirements, because the money goes to the services of eligible children at that school instead of the school.

As revealed in other cities in this study, the need for achieving more coordination among the federal education programs was an issue often brought up by those interviewed in Denver. According to the administration, regulations which allow more coordination would result in less duplication of effort.

OAKLAND

Title I in Oakland includes 36 public elementary schools, 12 non-public elementary schools and eight secondary schools. The three major components of this program are Support Services, Mathematics, and Reading/Language Development.

Policy conflict arises out of the state compensatory education program, known as SB 90. Also, the criteria of "penalizing success" has become a concern to Oakland Title I officials.

California's state compensatory education program (SB 90) is based on educational deprivation. This differs from Title I under which an attendance zone is eligible on the basis of low income families. In other words, some schools receive both, and only one school receives Title I only and not SB 90 funding.

This means that Title I funds could supplant state and local funds by replacing programs already provided by SB 90 funds. However, SB 90 funds that are given to Title I schools are used only to supplement Title I programs.

Until recently, the Oakland District Title I program had a problem found to be common to Title I programs in several cities. It is not so much a policy conflict as a policy deficiency. The deficiency is the removal of a student (for the following year) from Title I service eligibility as soon as he or she achieves above the 50th percentile on standardized evaluative tests. This amounted to a "revolving door" system in that a student in Title I for a year is removed from the program, and, during that year out of the program, slides below the 50th percentile. The student is, therefore, again eligible for Title I. In a sense, both the student and the district are penalized for success and rewarded for failure. A new state policy permits a child to remain in the program for two years even if that student achieves above the 50th percentile.

MONTGOMERY COUNTY, MARYLAND

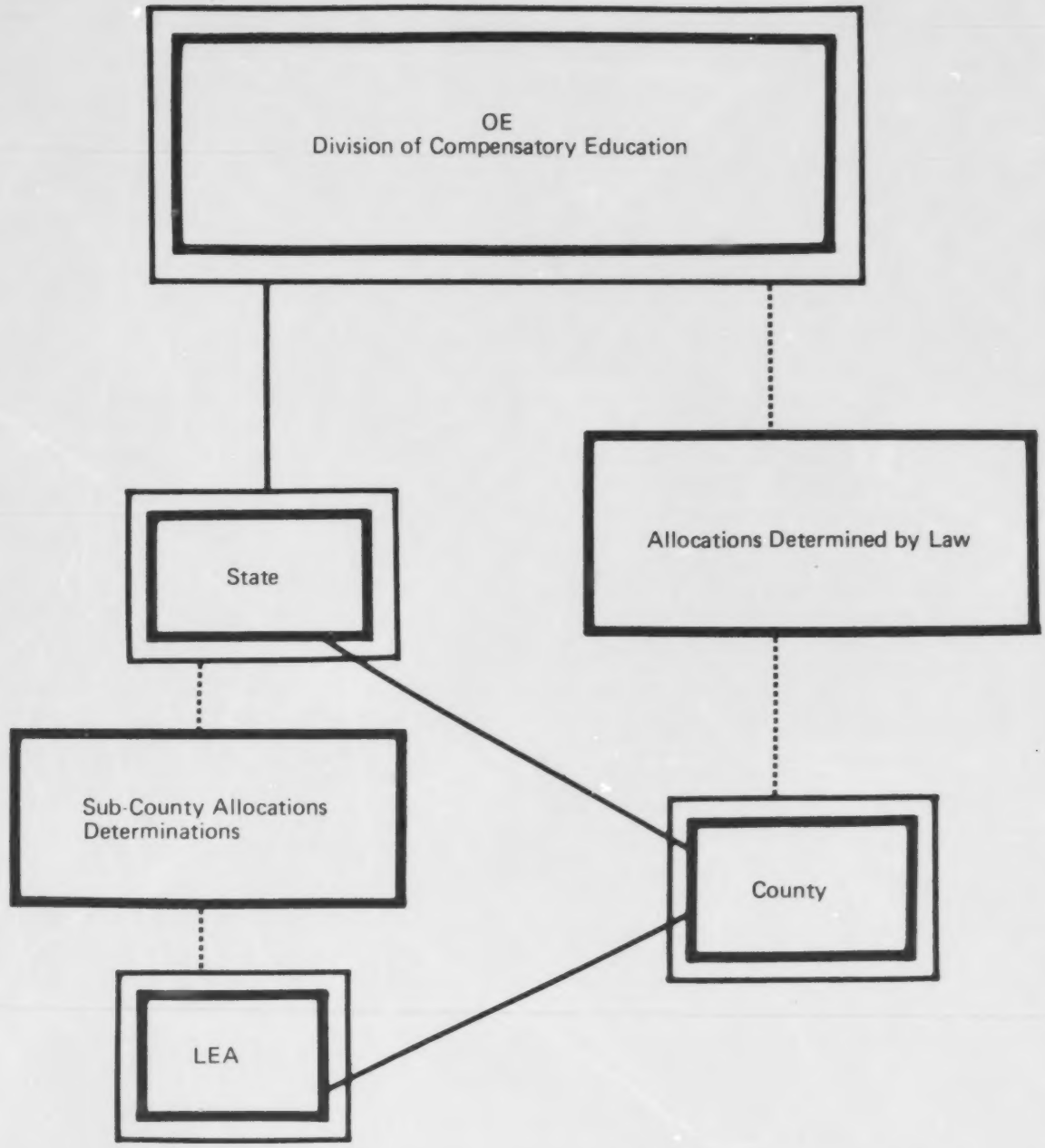
Montgomery County, located next to Washington, D.C., has a student population of 150,000. There are 199 schools for elementary, junior high school, and senior high school students. Of this number, only nineteen have Title I programs. The County has Emergency School Aid funds, but no Title VII bilingual program.

In Montgomery County, voluntary desegregation causes problems for Title I because some schools previously in the program have been closed or consolidated. Obviously, this has caused Title I attendance areas to change and has deprived some former Title I students of the benefits of the program because they now attend non-Title I schools.

FOOTNOTES

[1] Letter to Carl D. Perkins, Chairman, Committee on Education and Labor, U.S. House of Representatives, from Cindy Brown and Normal Chachkin, Codirectors, the Federal Education Project, Lawyers Committee for Civil Rights Under Law, June 29, 1976.

FLOW CHART OF TITLE I FUNDS



CHAPTER 5

FINDING AND RECOMMENDATIONS

The five case studies included in the study indicated that federal education dollars - despite some difficulty with planning and budgeting cycles and paperwork requirements - are getting to the school districts. However, the school districts receiving these funds were caught between conflicting federal directives arising from different federal programs. The three federal efforts which were the primary focus of the study represent responses to different educational values although they share the overall goal of equal educational opportunity.

The Elementary and Secondary Education Act rode in on the coattails of the 1964 Civil Rights Act and went into operation before desegregation became a reality. Despite efforts at federal compliance policy development, ESEA programs were constructed in such a fashion that they dealt with the reality of segregated, dual school systems. The Emergency School Aid Act, on the other hand, was a response to desegregation as an effort to reduce minority group isolation.

The recommendations which developed from the study represent an attempt to mesh the two federal approaches to equal educational opportunity - desegregation and compensation. The case studies undertaken indicate that the fragmentation of the federal effort raises problems at the local level which inhibit attempts to achieve equal educational opportunity.

BILINGUAL EDUCATION

Programs for bilingual education within a local school district may be funded through a number of federal program sources. At least two of the major funding sources establish policies for bilingual education which are inconsistent with one another. Through Title VII of the Elementary and Secondary Education Act, school districts are encouraged to develop bilingual programs to meet a need, not to promote a right. If a school district receives bilingual funds through the Emergency School Aid Act, it is required to provide limited English speaking children with bilingual education.

In large part, the inconsistent federal signals stem from the federal court ruling in Lau v. Nichols. In that case (1974) denial of bilingual education to limited English speaking children was found to be a violation of Title VI of the Civil Rights Act. The Lau ruling led to the development of a set of standards (known as the Lau remedies) by the HEW

office for Civil Rights. OCR has used these standards - sometimes as suggested guidelines and sometimes as formal requirements - in its review of ESAA applications.

However, the Lau remedies have not been used either formally or informally by those who determine funding under Title VII of ESEA. Title VII regulations are not oriented to civil rights compliance. Rather, that program is a capacity building effort with requirements unrelated to Lau and without any civil rights compliance review by OCR before funding decisions are made.

School districts seeking bilingual funding from a federal agency, therefore, must react to a system of confusing and inconsistent regulations. A local school district may receive from OCR explicit instructions not only in traditional civil rights compliance areas, but also on the details of its bilingual program. Yet, depending on the source of the funds, the district may or may not have to comply with all or part of those OCR instructions. OCR many deny it the use of ESAA funds for either bilingual programs or for any other ESAA sponsored activity because of non-compliance. At the same time, the district may continue to receive funds through ESEA Title VII for bilingual activities.

The three school districts included in the study had dissimilar experiences with federal bilingual requirements. Although Oakland is not currently eligible for ESAA, it was told by the OSR San Francisco office that it was in non-compliance with Lau. Oakland is consciously using funds through Title VII to move toward compliance.

Corpus Christi has not been told by the Dallas Regional OCR office that it is not complying with Lau. However, it is generally understood that the school district's bilingual program does not meet Lau requirements. Despite this, Corpus Christi not only receives federal funding through Title VII but also receives federal funding through ESAA (although not ESAA bilingual).

Milwaukee's application for funds through ESAA was funded after the school district received a waiver from OCR. However, this waiver did not include any mention of problems identified with the Lau remedies. This occurred despite the fact that the district has not yet developed programs for all of its limited English speaking children.

Recommendations:

For the Office of Education:

1. OE should adopt consistent bilingual standards for all federal programs.
2. These standards should take on a clear policy status - they should be written as formal guidelines or regulations for all federal bilingual education programs.
3. The standards adopted must be consistent with the legal requirements established by Lau v. Nichols. A task force should be appointed to develop standards and requirements consistent with Lau.

For the Office for Civil Rights:

OCR should devote its attention to the establishment of civil rights standards, and leave to OE the development of educational standards. It should also be OE's responsibility to promulgate rules and regulations consistent with Title VI requirements.

EMERGENCY SCHOOL ASSISTANCE ACT

Four of the five school districts included in the study received funding through ESAA. The study indicated clearly that the ESAA funds have been used as a catch-all for the establishment of a variety of programs to meet problems arising from desegregation. Its uses range from compensation for the effects of student dispersal on categorical aid programs to aiding school districts in meeting human relations problems. The study indicated, however, that ESAA was not available to communities early enough to support desegregation planning, that its uses were unduly restricted by OE, that it was not adequately funded, and that it was not clearly focused to play an advocacy role for desegregation.

In Milwaukee, the funds available through ESAA were not adequate and were too restricted to provide support for the activities which the court required. In Denver, the prohibition against use of ESAA funds to meet directives of the court order meant that the district was not able to use ESAA funds for bilingual activities in the schools with the greatest need (At the same time, Denver was refused funding under Title VII). Corpus Christi has used its ESAA funds mainly for staff development. Montgomery County received funds for only a small part of the activities it proposed to support its voluntary desegregation program.

While the districts are clearly using the ESAA funds for the programs for which they perceive a need, they are caught between two competitive imperatives. On the one hand, ESAA funds are valuable for planning, human relations activities, staff development, and other purposes directly related to desegregation. On the other, ESAA funds are the only "free" federal funds available to the districts for use in compensatory and achievement-oriented programs.

A. Separation of funds for compensatory education programs related to desegregation

School districts under desegregation often find that desegregation results in displacement of children from schools where previously they had been eligible for compensatory programs. All three of the school districts under court order included in our study experienced some problems with Title I programs and services. Title I is designed to serve concentrations of economically disadvantaged children. These concentrations are frequently disrupted as a result of desegregation and Title I funds are not transferrable to non-Title I schools. As a result, school districts find themselves forced to terminate special programs for some educationally disadvantaged children who are no longer eligible for Title I programs. In the transition to desegregation, some districts have attempted to use ESAA funds to compensate for the loss of flexibility in allocating Title I funds.

This problem - known as the follow-the-child problem - was raised in Denver immediately after the court order. Parents active in the Title I Parent Advisory Committee wanted the school district to allow Title I funds to follow the child to the new school. The district was prohibited from doing this by OE but has attempted to use other money sources to meet this need. Corpus Christi has attempted to use some of its ESAA funds to provide Title I instructional programs for formerly eligible children displaced through desegregation. Although Milwaukee has not yet experienced the problem, the district anticipates that this will be an issue in the near future.

It has been argued that desegregation itself may be considered a form of compensatory education since children moved from Title I schools are presumably entering more enriched environments. While this may be true in the long run, initially displaced children have individual needs which cannot be met because of Title I eligibility requirements. ESAA funds cannot always be used to meet these needs because of inadequate

funding levels. In addition, use of ESAA monies for this purpose serves to fragment and dilute the intent of the program.

Recommendation:

A separate source of funds should be earmarked for the educational needs of children displaced by desegregation. These funds should be separated from regular Title I funds and administered either as a part of ESAA, a new part of Title I, or a new program.

School districts would be eligible for the funds after court ordered desegregation or after a voluntary plan was approved by OCR. These funds should be viewed as a short term, transition source, with two or three year grants available. The program should be available on a competitive basis and reviewed by OE on merit in accordance with explicit criteria. The decision to fund should be weighted on the basis of the number of children transferred from Title I schools as well as the quality of the proposal submitted by the district. These funds would be available to the district in addition to the regular Title I funds. Districts would be expected to conform to Title I eligibility requirements for regular Title I funding.

B. Refocus ESAA to allow it to play an advocacy role for desegregation.

The competing demands for ESAA funds has detracted from the program's role as the federal advocate for desegregation. In addition, the program has been limited by other requirements that have minimized its effectiveness. Because funds are not available to a local school district until a court order is final or until a voluntary plan has been approved, a district is unable to use ESAA funds to assist in the pre-court order phase of defining the problems and developing initial community support. In none of the four communities which received ESAA funds were those funds available for initial desegregation planning.

The inflexibility of current ESAA regulations undermines the value of the program as a stimulus for desegregation. Indeed, current administrative policies are not encouraging to a school district committed to voluntary desegregation which applies for ESAA funds. Carrying out the original Congressional intent for the program - to play a role as a facilitator of local desegregation - is hampered by current

regulations. Too, the prohibition on the use of ESAA funds for court ordered activities hampers the ability of districts to meet their needs (particularly when a judge includes less traditional requirements within the order).

Although it is clear from our study that current sources of technical assistance for desegregation are being used by local districts, it is not clear whether these activities are available at the level of knowledge and sophistication which might be most useful. Technical assistance for desegregation is available to communities through Title IV of the Civil Rights Act of 1964; through state administered, federally-funded ESAA programs; through general assistance centers; and through Lau Centers. In addition, two of the communities in our study asked for community education and training assistance through the Community Relations Services of the Justice Department. Two of the cities studied were in states in which there was only one major urban settlement - hence that city's concerns were not always reflected in state-administered technical assistance programs. It may be that teams which are funded and assigned through Washington, D.C. may provide a community with the most knowledgeable diagnostic help. Also, it is possible that the services provided by CRS might be more effectively delivered if they were linked to OCR or to OE funded programs.

Recommendations:

1. Allow a school district to apply for ESAA funds when it is in a planning phase for desegregation. (Either in a preliminary state in a court proceeding or in preliminary planning for voluntary desegregation.)
2. Allow school districts more flexibility in the use of ESAA funds for activities directly related to desegregation, whether or not they were included in the court order.
3. Review the current array of technical assistance programs available to a local district to assess their adequacy and possible changes in administrative arrangements.

THE ROLE OF OCR

Although the Office for Civil Rights is charged with Title VI compliance activities for all of HEW, this study of three educational programs within OE indicates that OCR's role is unclear and varies among the programs. Different

enforcement procedures for different programs establish a compliance program that invites minimal enforcement and double standards. Of the three programs studied, OCR's enforcement efforts ranged from preventing abuse of civil rights requirements through project sign off (with ESAA) to a more passive response to complaints about programs already in operation (with Title I and Title VII).

Districts are subject to OCR review in three ways: a) since OCR signs off on all ESAA grant applications, all districts must meet OCR requirements (or receive a waiver) before receiving ESAA funds; b) all districts are required to compile and submit data which OCR has identified as necessary for checking Title VI compliance; and c) all districts are subject to complaints which trigger an OCR investigation.

Our analysis of OCR operations indicated that OCR is not able to effectively utilize the data which it collects. Thus, in effect, it operates through ESAA grant sign off and complaint investigations. (One OCR regional office, however, did follow through on the Lau remedies and provided districts with an assessment of status regarding compliance with Lau.) In part, the OCR data is not used because of the form in which the information is available. Use of up-to-date sampling techniques to assist in monitoring is not possible when data on thousands of school districts is available only in hand tabulating and paper form.

OCR's role in preventing discrimination seems somewhat arbitrary as currently practiced. Decisions to fund through Title I and Title VII are not based on scrutiny of nondiscrimination status and are monitored only through complaints. While this may be inevitable in a formula program such as Title I when funding decisions are more or less automatic, it is not defensible in decisions regarding Title VII dollars. On the other hand, decisions regarding ESAA proposals are subject to strong OCR scrutiny to the point of prescribing educational practices.

The total effect of OCR's activities is to send out a message of noncredibility - a double standard in which discrimination is tolerated in some programs and not in others. The most obvious example is in bilingual education where districts not in compliance with OCR requirements may be denied ESAA funds yet receive Title VII funding. The waiver procedure that is currently used also has a noncredible ring. A school district under court order (hence one that has been found to be in a discriminatory posture) is required to restate its guilt when it applies for ESAA. However, that district is not questioned at all when it comes to Title I and Title VII funding unless a specific complaint is raised against that district.

Recommendations:

1. OCR must reaffirm the Title VI goal of nondiscrimination for all educational programs. This would require more active monitoring of district practices and tailoring the monitoring to the reality of the program, e.g., using sign-off authority for both ESAA and Title VII.

2. The data collected by OCR must be presented and analyzed through more effective procedures. This would include computerizing information systems, employing sampling techniques in the monitoring process, and setting reasonable limits on data collection.

3. Relationships between OCR and OE would be greatly improved if OE established standards for educational practices which are consistent with civil rights standards. If OE establishes such standards, OCR would be able to more effectively monitor civil rights requirements.

PROCEDURAL QUESTIONS

A number of issues were raised by local districts included within the study that indicate some problems with OE procedures. These included annual funding determinations, timing of applications, and information flow. We recommend that they receive further study.

a. Annual Funding

The annual funding process for ESAA appears to make it more difficult for local school districts to plan programs and acquire quality staff and materials. Although many districts receive ESAA funds for several consecutive years, annual application deadlines inhibit long range planning and innovative use of funds.

b. Timing

Current applications dates occur too early in the school year to allow a district to learn from its previous year's application. In order to submit an application in January (ESAA) or in February (Title VII) a district must begin its application development process very early in the school year.

c. Information Flow

The sporadic flow of information from Federal regional offices and Washington, D.C. sometimes results in short notice of regulation changes and confusion on requirements for funding. The 30-day notice of regulation changes makes districts hard pressed to complete Title VII applications. Districts are not always fully informed of reasons for funding cuts or of allowable or preferred uses of funds. Districts appear to experience

difficulty in planning programs that will satisfy both federally "favored" program emphases and local needs.

OTHER ISSUES

Two issues surfaced during the course of the study which were given only preliminary attention. However, these issues warrant further study by OE and OCR.

a. The Role of Regional Offices

At the present time, decisions to fund most of ESAA are made at the regional office level while decisions to fund ESAA bilingual, ESAA out-of-funding-cycle applications, and Title VII are made in Washington. The fragmented authority makes it difficult for federal officials to informally coordinate their programs. A more consistent federal posture might be developed if decisions to fund were made consistently either at the regional office level or in Washington.

There appears to be significant variation in the way that regional offices of OCR approach their job. This variation was marked in the case of the Lau remedies where only one of the three offices visited took the remedies seriously.

b. The Role of State Requirements

In addition to conflicts involving federal programs for bilingual education, three of the districts within our sample also had state bilingual requirements. California has recently adopted bilingual requirements which are consistent with the Lau remedies. For Texas and Colorado, however, there appears to be a conflict between federal and state requirements.

APPENDIX A

THE HEW OFFICE FOR CIVIL RIGHTS

As signed into law by President Johnson July 2, 1964, the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 241) was designed to achieve a peaceful and voluntary settlement of racial and religious discrimination or segregation by establishments doing business with the general public. The act guaranteed all persons freedom from a denial of voting rights and from refusal of services or admittance by a public establishment or organization for reasons of race, color, religion, or national origin. More specifically, in total, the act provided the following:

(1) new provisions to guarantee voting rights;
(2) a guarantee of access to public accomodations;
(3) authorization for the Federal Government to sue to desegregate public facilities and schools;
(4) extension of the life of the Civil Rights Commission;
(5) means for the cutoff of federal funds where programs are administered discriminatorily;
(6) a requirement that most businesses and labor unions grant equal employment opportunity;
(7) the establishment of a new Community Relations Service;
(8) a requirement that the Census Bureau gather voting statistics by race; and
(9) authorization for the Department of Justice to enter into any pending civil rights case.

Title VI of the Civil Rights Act of 1964 is of particular interest here in that it specifically provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Title VI further directed each federal department or agency extending financial assistance to issue rules or regulations, approved by the President, for the implementation of the title. When enforcing the title, if voluntary compliance is not received, the agency is authorized to cut off funds from the recipient after 1) making a finding on the record; 2) giving opportunity for hearing, and 3) giving the appropriate legislative committees thirty days' notice. Any such action cutting off federal assistance is made subject to judicial review by the title upon application by the persons, state, or local governments whose funds were withdrawn.

Thus, it is within Title VI of the Civil Rights Act of 1964 that the Office for Civil Rights of the Department of

Health, Education, and Welfare finds its original legislative mandate. HEW's Office for Civil Rights (OCR) monitors public school districts and nonpublic schools participating in federally funded programs to ensure compliance with civil rights provisions. OCR's responsibility under Title VI includes the following:

(1) overseeing the elimination of unlawful segregation;
(2) enforcing the requirement of the May 25, 1970 memorandum issued to school districts by OCR specifically defining districts' responsibilities in overcoming discrimination against national origin minority group children;
(3) since January, 1973, assisting the U.S. Office of Education in the selection and review of districts funded under the Emergency School Aid Act; and
(4) since February, 1973, implementing the court injunction in Adams v. Richardson (480 F2d. 1159) requiring HEW to enforce Title VI in districts found out of compliance in 1971.

ORGANIZATION

The specific activities of OCR in accordance with the above four areas of responsibility are performed by Elementary and Secondary staff in the Washington, D.C. headquarters and ten regional offices. Policy guidelines and national objectives are provided by the headquarters staff, but it is the primary responsibility of the field offices to conduct compliance reviews, investigate complaints, decide on corrective measures, and select and monitor school districts receiving ESAA funds.

OCR's Washington headquarters is organized into an Office of the Director, two assistant directors' offices (Administrative Management and Policy, Planning and Program Development), and four divisions: Elementary and Secondary, Higher Education, Contract Compliance, and Health and Social Services. The Elementary and Secondary Division is then divided into four segments: Administration, Policy and Program Development, Operations, and Technical Support.

Functions of the four branches of Elementary and Secondary are as follows:

(1) Administration: basic administrative duties, including personnel, correspondence, etc.;
(2) Program and Policy: development of policy, enforcement plans, procedures, and supportive services to regional offices;

(3) Operations: oversight of policies and procedures, clearance of cases initiated by regional offices, coordination of compliance information, and response to information requests; and
(4) Technical Support: technical assistance, training goals, collection and analysis of data, and development of information and analysis systems to support compliance activities.

Each regional office has a director's office and the four branches corresponding to those in headquarters. However, assignment of duties of those in regional offices concerned with Elementary and Secondary Education varies among the regions. The regional OCR directors are responsible to OCR headquarters directly, rather than to the HEW regional director.

Because of OCR's involvement in the ESAA application process, there is intercommunication between OCR and the Office of Education. However, this relationship is ad hoc and informal. ESAA and, more recently, Title IX (sex discrimination) efforts have fostered a closer working relationship between the two offices.

TITLE VI

In October of even numbered years, the following categories of schools are required to submit survey forms to OCR headquarters:

(1) all districts eliminating dual systems pursuant to a voluntary desegregation plan;
(2) all districts eliminating dual systems pursuant to a court order;
(3) districts involved in both public and private litigation regarding desegregation; and
(4) a random sample of all other districts containing three hundred or more students.

However, all districts which are under court order, litigation, or voluntary desegregation; have ten percent or more minority students; or have one school with fifty percent or more minority students, are required to submit data every year.

The OCR procedure for conducting reviews under Title VI is largely consistent among the regions. Concentration is given to three primary areas of possible discrimination: personnel, provision of equal educational services, and assignment of students to classes within a school. If necessary, teachers, parents, students, administrators, and community persons are interviewed. Information is gathered regarding courses, achievement test scores, budgets, Federal program

applications, employment statistics, and classroom statistics regarding minority distribution. All data is then analyzed to determine whether a pattern of discrimination exists.

School districts found in noncompliance by the regional OCR are referred to OCR headquarters and then to the Civil Rights Division of the Office of General Counsel for enforcement proceedings. Action may take one of two forms: administrative enforcement or referral to the Department of Justice for litigation. The administrative enforcement process includes a hearing, a decision by an administrative law judge (selected by Washington HEW), and an appeal process. An appeal of a ruling made by an administrative law judge is filed with a five-member Reviewing Authority appointed by the Secretary of HEW. Further appeal can be filed with either the Secretary or a Federal court of appeals.

OCR does have a specific time frame in which to move on noncompliance cases: a maximum of 210 days or seven months. The end result of this long, involved administrative process is that school districts have little to fear. There is much recourse for the district and time delays are built into the system so that the real threat to terminate funds does not come until the end of the process when the matter is given to the Department of Justice for litigation.

APPENDIX B

THE U.S. OFFICE OF EDUCATION

Created by an act of March 2, 1867 (15 Stat. 434; 20 U.S.C. 1), the Office of Education in 1869 became a part of the Department of the Interior. It was transferred to the Federal Security Agency when that agency was created in 1939, and became an agency of the Department of Health, Education, and Welfare when the department was established in 1953.

The statutory function of the Office of Education is administration of programs of financial assistance to educational agencies, institutions, and organizations. The major components of OE and their responsibilities are:

(1) Office of the Commissioner of Education - administration of the Office of Education and its regional offices and the operations of the Teacher Corps, bilingual education, career education, and right-to-read programs.

(2) Regional Offices - administration of the educational affairs of a DHEW region, including the dissemination of information and provision of technical assistance to state and local education agencies and other institutions.

(3) Office of Management - planning, direction, and coordination of activities of OE dealing with management planning and evaluation, administrative and business management, and administration of a program of low-interest loans for college and vocational students.

(4) Office of Planning - direction and coordination of all activities of OE having to do with program planning and evaluation, legislative planning, and Congressional liaison.

(5) Bureau of School Systems - administation of a program of grants to state education agencies and local school districts, programs of financial and technical assistance to school districts for the elimination of racial segregation and discrimination, grants to states for development and construction of public libraries and for acquisition of library resources, and technical assistance in the development and implementation of desegregation plans for public schools.

(6) Bureau of Occupational and Adult Education - administration of programs of grants, contracts, and technical assistance for vocational and technical education, occupational education, metric education, adult education, consumer education, education professions development, and community schools.

(7) Bureau of Education for the Handicapped - assistance to states, colleges, universities and other institutions and agencies in meeting the educational needs of the nation's handicapped children requiring special services; and administration of programs for teacher and professional personnel training, grants for research, financial aid to states for the initiation, expansion and improvement of their resources, and media services for the deaf.

(8) Bureau of Postsecondary Education - administration of support and assistance programs directed to higher education, a program of grants to improve instruction in crucial academic subjects; and assistance in the improvement and expansion of American educational resources for international studies and services.

(9) Office of Indian Education - administration of a program of financial assistance to local and educational agencies to meet the special educational needs of Indian students, and special programs to improve educational opportunities for adult Indians and Indian children.

The Assistant Secretary for Education has responsibility for the general direction and supervision of the Education Division and assures that the education activities of DHEW are in accordance with federal laws and regulations. The two major components of the Office of the Assistant Secretary are the National Center for Education Statistics, which collects and disseminates statistics and other data regarding education in the United States and other nations, and the Fund for the Improvement of Postsecondary Education, with responsibility for providing assistance to educational institutions and agencies to encourage a broad range of improvements and innovations.

APPENDIX C
COURT ORDERED DESEGREGATION

HISTORICAL PERSPECTIVE

In 1954, the United States Supreme Court ruled in Brown v. Topeka Board of Education that separate school systems for Blacks were inherently unequal and therefore unconstitutional. Brown II in 1955 mandated desegregation of de jure segregated schools with "all deliberate speed" and gave implementation and enforcement powers to federal district judges, a job for which many were ill-prepared and all were unfamiliar.

Although desegregation technically became the law with the announcement of Brown in 1954, in many school districts throughout the nation, including three in our study, meaningful desegregation did not come about until local plaintiffs challenged local school boards in federal court (even though in 1967 termination of federal funds to segregated school systems in Southern and Border states began). The challenges eventually resulted in court ordered desegregation, with court ordered "plans" for implementation. Swann v. Charlotte-Mecklenburg in 1971 approved a wide range of devices as permissible to achieve racial balance, including racial quotas, pairing, clustering, closing of schools, redrawing of attendance lines, and busing. Keyes v. Denver I.S.D. in 1973 held de facto segregation to be de jure in effect, and therefore illegal, when a deliberate pattern of segregation could be shown to have been perpetrated by the school board in its choice of new school sites, its drawing of attendance zone boundaries, and other decisions. It shifted the burden of proof to the school board to prove that such choices did not have segregatory intent. This case opened de facto segregation in the North to attack for the first time.

THE PLANS

The three cities under court order in our study began implementing plans for the desegregation of their public schools in the falls of 1974 (Denver), 1975 (Corpus Christi, Texas), and 1976 (Milwaukee), 20, 21, and 22 years, respectively, after Brown. Denver's plan is fully implemented; Corpus Christi's should be complete in the fall of 1977 and Milwaukee's in the fall of 1978. Reliance on district judges for implementation has brought a wide variety of desegregation techniques into existence, and their range is demonstrated by the widely different plans in our three cities.

Corpus Christi, Texas

The Corpus Christi court order of November, 1974, required the school board to submit an acceptable plan to being operating desegregated schools in August of the next year. Neither the plan submitted nor a "minority report" plan was acceptable to the plaintiffs or to the Justice Department. The court announced adoption of a "computer plan" submitted independently by a Corpus Christi citizen on July 26, 1975, to be implemented beginning August 25, 1975. It announced modifications of the plan on August 4. The plan was worked out by an advisory committee appointed by the court consisting of the White citizen who suggested it, a Black, a Mexican-American, and three computer technicians. It assigned elementary pupils to schools with priority being given first to racial quotas, and secondly, to minimize busing by assigning a minimum of students to schools more than two miles from their homes. In Texas children must be bused only when the school is more than two miles away.) It provides that bused children, chosen by lottery, must only be bused outside their new attendance zones for one year, and that after that, no other children in the same family need be bused. The plan has met with a great deal of community opposition because its effort to avoid busing has required young school children to walk long distances past other schools across freeways, railroad yards, and other hazards. It also broke up naturally integrated neighborhood schools which would have required no displacing of students. In fact, in an August 19 letter to the court, even the Justice Department objected to the plan's displacement of 10,000 children when only 3890 children (it asserted) needed to be displaced to achieve adequate racial balance.

The most unique aspect of the Corpus Christi court order, however, is that it was the first to recognize Mexican-Americans as a "racially identifiable group" protected from isolation under Brown. The Corpus Christi order requires the Borwn student population to be considered non-white, whereas in the earlier orders of other districts, it was considered white (or non-Black). Since the student population ratio in Corpus is 60% Mexican-American, 5-6% Black, and 35% Anglo, the effect of the tri-ethnic order on the size and complexity of the desegregation plan was great. The court ordered a 75% majority to 25% minority population in each school. Given the ethnic makeup of the school district, this ratio meant that White schools would remain majority White and many Black and Brown schools would remain overwhelmingly "minority". The junior high plan implemented in the fall of 1976 uses approximately the same ratio. It relies on the redrawing of attendance lines and busing by lottery in 5 schools of approximately one-half of the minority children and a smaller fraction of White children. The senior high

plan, to be implemented in the fall of 1977, has been submitted to the judge by the school board, but has not yet been acted upon. It relies on attendance zone changes and voluntary majority-to-minority transfers to achieve a projected 13-76% Anglo population in each school.

The judge appointed a citizens' committee to facilitate desegregation, but it has been largely inoperative. The unofficial court liaison is now the assistant superintendant for administration. The continuing supervision of the court has resulted in minor changes in the elementary plan each year, the lack of renovation of some of the poorest "minority" schools on the theory that perpetuation of the building perpetuates segregation, and the refusal of the court to consider a pairing plan for elementary schools for 1976-77 which the administration had proposed and which the community would have preferred even though it would have meant increased busing. The administration has submitted this proposal to the court again for 1977-78.

Denver, Colorado

The Denver plan was created by Dr. John Finger, Jr., the court appointed consultant and a well-known desegregation expert who also devised the plan adopted by the court in Swann v. Charlotte-Mecklenburg earlier. The "Finger Plan" was adopted by the court with some modification. It depends on a grab bag of devices for achieving the court ordered 40-70% Anglo population in each school: redrawing attendance lines, minority busing, pairing of classrooms, and use of satellite zones. Particularly heavily minority schools were named in the court order and required to have not less than 50 or 60% Anglo populations. The Supreme Court decision in 1973 held (among other things) that the district court had erred in not naming Mexican-Americans as a racially identifiable minority. Consequently, upon remand the district court modified the Finger plan to include "pilot" bilingual-bicultural education programs in six specific schools with substantial Hispanic populations. This modification was formulated along the lines of a bilingual plan developed for the entire district by Dr. Jose Cárdenas. Dr. Cárdenas' plan had been submitted to the court by the Congress of Hispanic Educators, which had been made an intervenor in the suit in the interim. The court's other modifications of Dr. Finger's plan included requiring vocational education at the most heavily Black high school "or other appropriate premises", provision for transportation for parents whose children are bused to PTA meetings and meetings of other school related organizations (when requested) at district expense, provision for minority children in predominately White satellite areas to avoid being bused to a majority Black school upon request, and exclusion of

kindergartens from desegregation. The order required frequent periodic progress reports to the court by the district, and it established the "Citizens' Education Council," to which all parties submitted nominees, to monitor progress and report to the court. The plan met with initial resistance and violence, including bombings of school buses and the administration building, but it has operated successfully.

Milwaukee, Wisconsin

The Milwaukee court order of 1976 required the school board to desegregate but set up few restrictions for the plan. Dr. John Gronouski, an educator and nationally known political figure with strong ties to Wisconsin, was appointed special master to oversee the board's efforts. After board inaction, the court did order that one-third of the desegregation be completed by the fall of 1976. This integration is currently being achieved mainly by minority busing. The school board established a "Committee of One Hundred," a citizens' group, to help formulate the desegregation plan. Dr. Gronouski held public hearings on the plan that the school administration, with Committee input, had proposed. The administration's plan was not adopted by the Board.

The creative Milwaukee plan uses magnet schools. The city is divided into three elementary school "zones," with four "leagues" in each zone. Additionally, there is one junior high and one senior high league. The leagues lump together old attendance zones but do not redraw attendance lines. Within each league, specialty programs in the high schools are set up, and the elementary schools offer varying educational systems (Montessori, open classrooms, traditional classes, etc.). Parents may choose three schools within their leagues for their children to attend for first, seventh and ninth grades. Parents were guaranteed that at least one of these three times their choices will be honored. The parental choices and racial quotas are the two priorities in the system. There is also a mandatory back-up plan to be invoked by the school administration if court ordered goals are not achieved through voluntary solutions.

Milwaukee has a 35% Black student population and the effort for 1976 was to achieve a 25-45% Black attendance in one third of the schools. The 1977 target is to achieve a 25-50% Black population in two-thirds of the schools. The final year of the plan's implementation requires that of the remaining one-third of the schools, at least half have a Black population with a 20-65% range and the remainder a Black population within a 15-75% range.

A major difficulty Milwaukee expects to face is to be able to get enough money and teacher training to make the specialty schools unique in actuality as well as in name, and thus to continue the responsive community acceptance that has initially been achieved for the desegregation effort. The Hispanic community (about 4% of the students) is also concerned that Hispanic students are not regarded as an identifiable minority in the court's remedial orders. The court rejected their petition to be so identified, noting the unwillingness of the Hispanic community to charge discrimination by the school board.

FEDERAL COURT AND FEDERALLY LEGISLATED PROGRAM CONFLICTS

A major concern which our study addresses is the effect of desegregation upon federal compensatory education programs - especially Title I and bilingual education. Compensatory programs are largely applicable to minority children and we felt that the dispersal of these children through desegregation might well result in the dilution of the impact of these programs and indeed, exclude some previously eligible children from the programs altogether. The school administrators in our three court ordered districts found this problem to be of far less magnitude than might be expected, although the Title I parent advisory committees were concerned. These districts seem to use ESAA funds to allay this problem to some extent, even if they do not officially recognize this use. For example, although Corpus has never applied for ESAA bilingual funds, the majority of the ESAA funds it does receive are used for a teacher renewal center which re-trains teachers to work with students individually.

Corpus Christi has found that its busing displaces some Title I and bilingual children for the one year they are bused, but apparently adherance to the walking formula with its two mile limit means that many minority children are not displaced so far out of their neighborhoods that another Title I or bilingual school is not available. Nevertheless, Corpus administrators object to the economic deprivation criterion for Title I and would prefer to see the program extended to all "educationally disadvantaged" children regardless of income. A beneficial spin-off of the Corpus plan is that bused educationally disadvantaged White children are getting the opportunity for special assistance for the first time for at least one year. Corpus administrators perceive the loss of Titfe I programs by individual children as a fairly minor problem, mostly because they feel that state and federal funds for compensatory education are inadequate anyway, and that even before desegregation many children needing those services were denied them - many on income grounds. However, the desegregation lottery for busing does hinder planning.

Mexican-American children being transferred to non-bilingual schools also was not perceived as a major problem, although it disrupts planning to some extent. We were not able to get statistics on how many previously eligible children are affected by dispersal in either program. The fact that Corpus' bilingual program only extends from kindergarten, which is excluded from desegregation, through third grade, may account for some of the lack of administrative concern; although for the child, this same reason can magnify the detrimental effects of displacement for even one year. Likewise, the fact that Title I is used only in the elementary schools for ease of comparability may produce similar results.

In Denver, these issues were also viewed as only minor problems. Administrators estimate that only 5% of previously Title I children are no longer receiving that service, and ESAA funds are apparently being used to pick up the slack for these children. But Denver officials are disturbed that by law they cannot use ESAA bilingual funds for the six schools required to institute bilingual programs by the court order; this is a serious problem since Denver was denied competitive Title VII funds the first year of desegregation implementation, after five years of previous funding. This circumstance forced reliance on inadequate state emergency funding and reduced the quality of those very bilingual programs the court had mandated. Dispersal also affects some children needing a bilingual education. However, an effort is made through traveling teachers and other means to give them some bilingual instruction, although administrators admit the help is not as extensive as if they had remained in a school with a bilingual program.

The Milwaukee school board is very concerned that the effect of its desegregation program, with approximately one-third of the students in each league Black, will be to disrupt profoundly its Title I program. The minority population is clustered in the center of the city, where all the Title I schools previously were. However, since the plan is only in its first year of operation, it is too early to tell whether this fear will be substantiated. ESAA funds for next year are not yet targeted, so what part they might play in alleviating the problem is as yet unknown. Milwaukee's Hispanic population is small (5%) and bilingual dispersal is not a problem, as Browns are classified as non-Black and efforts were made to retain Hispanic concentrations to allow for bilingual education. Recently the Mexican-Americans unsuccessfully petitioned the court for intervenor status in the suit. Dr. Gronouski was very much concerned that should they be made party plaintiffs, the result might well be court ordered dispersal which would dilute the now concentrated bilingual programs.

It appears that desegregation's dispersal effect does affect Title I and bilingual planning and administration. The Title I administrator may not know far enough in advance which schools are to be designated Title I schools and which Title I programs should go in each of those schools. In Corpus the busing lottery is held in the summer and the identify, income and achievement levels of the 1800 children involved are unknown when planning for the next year is done in the spring. In view of the enormity of the tasks, including curriculum and program planning, evaluation, in-staff training, and administration, which are entrusted to administrators, it is not difficult to understand how the loss of oportunity to a small minority of individual displaced children may go largely unrecognized or ignored. Also, it appears that the fatalistic view prevails that such loss, being the result of an unchallengeable federal court order, defiance of which would place administrators in contempt, means that "there is nothing we can do" and therefore attention is turned to other more potentially solvable matters.

Our studies suggest that district courts can facilitate their continuing jurisdiction of desegregation cases by the use of some permanent liaison functionary between the court and its technical experts, the district, and the community. For a court's desegregation order to achieve maximum positive effect, its desegregation plan must be educationally productive, administratively feasible, and understood and accepted by the community. A permanent liaison such as Milwaukee's special master or an active and informed citizens' advisory committee can help a court insure the presence of these three elements. We have also seen that unintended detrimental effects on the desegregation effort can result from even the wording of court orders, due to the court's understandable ignorance of ESAA restrictions. We reason, therefore, that the opportunity for a court to utilize technical assistance from OE before fashioning its order and/or selecting a liaison to aid in its continuing jurisdiction could mean the elimination of potential problems and would provide improved implementation of desegregation.

APPENDIX D

DENVER CASE STUDY

DEMOGRAPHY

Denver, the largest city in Colorado, has approximately 515,000 people. The city has a median income of about $9,650, with an unemployment rate of 4.1 percent. The racial ethnic breakdown of the city is 9 percent Black, 17 percent Hispanic, and more than 70 percent Anglo. Though the city seems basically sound economically, it has increasingly become a "depository" of people with special problems. Like any large city, poor people are attracted to it for economic reasons, but only to discover that the employment available is scarce and in cases menial. Denver, accordingly, is experiencing an increase in the number of recipients of aid to dependent families. The city may be the economic leader of the state, but this position is not without its problems, both politically and economically.

The Denver school district is presently serving 76,503 students with a racial breakdown of 20.5 percent Blacks, 28.5 percent Hispanics, and 49.1 Anglo. The teacher racial breakdown is 12.33 percent Black, 6.95 percent Hispanic and 80.72 percent Anglo. Denver's public school system has a total budget of about $180,000,000 of which about $6,000,000 is federal money. The school district recently has begun to have financial troubles, and part of this problem has been the decrease in enrollment. In the last three years the district has lost nearly 20,000 students.

Under Colorado's Public School Finance Act of 1973 Denver is not permitted to raise the property tax mil levy beyond an amount prescribed by law. The allowable mil levy is based on the number of pupils enrolled in the district and the district's tax base. Since Denver has been facing a decrease in the number of students, their mil levy allowed by the state has decreased.

This situation came to a climax in October when the district made a last ditch effort to get a mil levy increase above the state limit for the 1977 budget. Superintendent Louis Kishkunas went before the board and stated that Denver's resource base was dwindling and their costs were rising. He stated that unless they be allowed a 5.97 mil increase above the state limit that programs and staff would need to be trimmed. Despite Denver's plea, the district was allowed only a 2.80 mil levy increase or only 47 percent of that requested. This left Denver with the problem of cutting $6,206,571 from its budget. Adjustments in the budget

included a freeze on hiring, closing underused schools, a decrease in the salary increase of employees from 4 percent to 3 percent and a cancellation of contributions to "allied organizations," including the Denver Symphony, Public Library, and the natural history museums.

Former Superintendent Kishkunas stated that the refusal of the state to grant the increase underscored the state's insensibility to Denver's urban problems. Denver has 25 percent of the state's impacted children, and the district argues that these children have special educational needs which are costly. This alone he felt justified Denver in their effort to increase the mil levy.

The state's effort to limit school property tax increases has created a serious problem for the only urban district in the state. It has forced Denver to cut back or eliminate several educational programs.

POLITICAL CLIMATE

Board members in Denver are elected at large. There are two six-year and five four-year posts. The issues that primarily serve to divide the board are desegregation and bilingual education.

Since Denver's desegregation suit in 1969, the city has been split along ideological lines. The split is reflected in the composition of Denver's Board of Education: three liberal, three conservative, and one moderate, with the moderate siding with the liberal side on a majority of the issues. Indeed the latest battle the board fought was the firing of Superintendent Louis Kishkunas. Kishkunas was hired by a more conservative board prior to the election of 1974. Not only did liberals object to his appointment, they argued that it was unfair for the board to make such an important decision prior to an election. They also felt that by signing him to a multi-year contract, they committed future boards to that decision. Liberals took control in the spring of 1975, and pressure to fire Kishkunas began to mount. Recently the liberal members and the moderate voted 4-3 to relieve Kishkunas of his job on the ground that he failed to vigorously pursue integration. Another complaint was the drastic cutting of the budget after the district was refused the rate increase. Presently the board is negotiating to buy the remainder of his contract.

Primarily educated in the Midwest, Kishkunas could be classified as a moderate. His policies in Denver were carefully mapped and designed not to rock the boat. However, this was his eventual doom, since the change in membership on the board did not bring a corresponding change in his approach

to policy. Indeed, his moderate approach to policy, and his lack of leadership with respect to integration was the basis of the movement for his removal.

The district went before the state school district review board in 1976 requesting a rate increase in the property tax. Prior to this the school board voted on whether to appeal the matter. The administration was given approval for appeal by the School board on a 4-3 vote. One of the members who voted against appealing the issue was quoted as saying "It's unbelieveable that this board can continue to increase taxes. We're driving people out as fast as we can with damn yellow buses, and now we're taxing them to death."* Kishkunas presented the argument for Denver before the State review board, stating the operation of the schools was contingent upon the rate increase. If it was denied, he stated that class size would have to be increased and several schools would have to be closed. However, the presentation for Denver was not all favorable. The three members who voted against the rate increase came before the state board and requested that Denver not be granted any increase. These members cited such examples as declining school enrollment as justification for denying the increase.

While finance has become an issue recently, desegregation has been a volatile issue in Denver since 1969. Again there is a 4-3 split on the board with respect to court-ordered integration. The members who are proponents of integration feel that the district has complied only minimally with the court order. They feel that the leadership's commitment to integration in Denver has been lacking, since it has dragged out the process and only tokenly complied with the court order. On the other hand, the three opponents of desegregation question both its benefits and constitutionality. They feel that the entire process is destroying Denver's educational system as well as causing enrollments to decline. Additionally, they feel that the achievement levels of the children have declined as a result of desegregation and not increased as proponents of desegregation have argued.

Finally, bilingual education provides another issue on which the board of education is split. The split on this issue is not nearly as clear or open as the other issues. Naomi Bradford is the most outspoken cirtic of bilingual education. Bradford believes that to encourage Hispanos to maintain their language is a mistake, since children can handle only one language at a time. Bradford went before the state steering committee on bilingual education to contest Denver's

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* Rocky Mountain News, October 1, 1976.

census figures on the number of eligible bilingual students. She was quoted as stating, "Don't allow Denver to use low achievement as a measure of eligible children. I want to go with you to check the figures. You won't find that many kids."* As board president Valdez stated, "We have four solid votes for bilingual education and three solid against bilingual education."

While these issues are not the only ones that divide the board, they are the main issues. Financing is the most recent, and a controversy is beginning to grow over the limits set by the state board on the mil levy. Desegregation will continue dominating the board as an issue, since inevitably it will require busing. Finally, bilingual education will continue to raise questions on its necessity or its appropriateness.

COMMUNITY GROUPS

Two of the most vocal groups in Denver have been the Citizens' Association for Neighborhood Schools (CANS) and the Congress of Hispanic Educators (CHE). CANS was mobilized as a result of the desegregation case. In an interview with the president of CANS, Frank Southworth, it was discovered that not only was desegregation a mobilizing force - so was opposition to federal programs. Southworth identifies desegregation with forced busing and expresses what he views as "grassroots" opposition to desegregation. Desegregation is also opposed because people believe it causes enrollments to decline. Furthermore, according to Southworth, the core city will be taken over by minorities as a result of desegregation. Southworth feels that they - the minorities - support desegregation for economic and political reasons. He feels that federal programs are primarily created to improve job opportunities for federal employees and that federal programs concentrate too much on social problems and not enough on education.

The Congress of Hispanic Education (CHE) was also mobilized as a result of the desegregation case. The Hispanic community feared that they might be used as a pawn by the Anglo community. This meant they feared that Hispanics would be bused into Black schools and Blacks would be bused into Hispanic schools. CHE intervened in the suit to insure that Hispanos be declared an identifiable minority. The result of this intervention was the development of the Cardenas plan which required Denver to provide a bilingual-bicultural program

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* Rocky Mountain News, February 3, 1976.

in six schools. This plan was initially part of the court order, but presently it is being undermined. Apparently CHE and the administration have been asked by Judge Doyle to compromise the issue. This has yet to take place. CHE has concluded that the bilingual-bicultural program in Denver is non-existent. They sense that there is tremendous opposition to the program within the administration and among the teaching staff. They feel that it is Denver's lack of support for the program that has made it a failure in the district.

Indeed, both of these groups have sought to influence policy in the Denver district. CANS has continually fought forced busing, while CHE has lobbied for a comprehensive bilingual-bicultural program. Both groups have on occasions met with successes and failures. Neither group has dominated the political scene in Denver.

This sets the political climate for the Denver district. The school board is a mirror image of the district: the 4-3 split is indicative of the division within the community. Forced busing has its ardent opponents as well as proponents. Federal programs are opposed by certain sectors of the community, while other sectors view them as essential for the Denver system to operate. The finance issue provides another split in the community as well as on the board of education. Bilingual education is a program which also provides a split on the board as well as the community. Indeed, Denver is a heterogeneous district which on different occasions has differing groups competing for power.

The relationship between federal agencies and the local governing units can best be understood by examining their interaction. Examination of the interaction in the context of desegregation, Title I, ESAA, and Title VII of ESEA provides an insight as to how those programs or administrative actions might be modified to reduce conflicts that might occur.

DESEGREGATION

The background of the original impetus for the desegregation suit in 1969 began with the building of Barrett Elementary in the northeast section of the city - a section called Park Hill which is predominately Black. This led to charges of building the school with the intent to perpetuate a segregated school system. This outcry impelled the school board to pass several resolutions designed to desegregate the schools in the area. These resolutions were passed over the vigorous opposition of conservatives in the city. They served as a catalyst to mobilize a political force that changed the composition of the school board after the next

election. The new board quickly moved to rescind the resolutions. This action led a group of people to seek relief through the district court, requesting that the court overturn the board's action.

This began the long litigation process for Denver which was to end with the landmark U.S. Supreme Court decision, Keyes vs. School District No. 1, Denver, Colorado, June 21, 1973. However, prior to this decision, several intermediate steps were taken. First, the District Court ruled that the building of a new school in the center of the black community, the gerrymandering of attendance zones and the excessive use of mobile classroom units constituted an inconstitutional act of de jure segregation. However, petitioners had pressed the court to also find that the segregated schools in the core city constituted de jure segregation, thus making Denver a dual school system. The court refused to go that far, reasoning that while the schools in the Park Hill area constituted deliberate segregation, this did not mean that de jure segregation existed throughout the school system. Instead, the petitioners had to prove that a deliberate act of the school system segregated the core schools. Nevertheless, the court ruled that the schools in the core city were inferior to the white schools and that under Plessy vs. Ferguson the district was obligated to "offer an equal education opportunity". As a consequence, while the court was unable to order complete desegregation, it was the only feasible and constitutionally acceptable program that would provide equal educational opportunity.

The school board appealed the ruling to the 10th Circuit Court of Appeals. Upon review the appellate court affirmed the final decree with respect to the Park Hill schools; however, it reversed the decision regarding the core city schools. This portion of the ruling, in effect, rescinded the order that only an integrated school system could provide equal educational opportunity.

Plaintiffs then appealed to the U.S. Supreme Court for "certiorari to review the Court of Appeals' judgement insofar as it reversed that part of the District Court's final decree as it pertained to the Park Hill schools." The key conclusions in the Supreme Court decision were: 1) that Hispanos were an identifiable minority; 2) that upon showing that deliberate discrimination existed in the Park Hill area, the burden of proof shifted to the district to show that this was not the case for the entire district. With these findings the Supreme Court remanded the case back to the district to determine whether the deliberate segregation of the Park Hill schools constituted segregation of the entire school system. The Supreme Court concurred with the lower court ruling that the Park Hill schools were segregated deliberately.

On April 17, 1974 Judge William E. Doyle ruled that the Denver public school system was an illegal dual school system. In his degere he ordered the adoption of the "Finger Plan" which was drawn up by the court's consultant. In addition to this desegregation plan, Denver was to adopt a bilingual-bicultural program at the elementary schools Del Pueblo, Garden Place, Cheltenham, and Sawenesa and in secondary schools Baker Junior High and West High School. In order to have an effective bilingual-bicultural program, the desegregation plan did not apply to these predominately Hispano schools.

Once the plan was adopted, it was appealed by the school district. This appeal brought review of the plan by the 10th Circuit Court of Appeals. The ruling from the appeals court ordered several modifications of the plan. First, the part-time pairing of 37 elementary schools was ordered to move to a full-time basis. Second, the predominately Hispano schools were ordered to become part of the desegregation plan unless their racial composition could be justified. Third, the appellate court ruled that it was beyond the power of the district court to require a bilingual-bicultural education program. Fourth, the creation of the East-Manual High School complex was also beyond the powers of the district court.

Judge Doyle accordingly on February 10, 1976 ordered the district to revise the plan by March 5, 1976. The Community Education Council (CEC) was asked to provide its input with respect to modification of the plan. The CEC subsequently presented the judge with its recommendations. The judge also asked the defendants and other interested parties to work together to modify the bilingual-bicultural program to comply with the appellate ruling. In the modifications of the plan, one of the bilingual schools was included in the desegregation plan. However, the issue of bilingual education has yet to be resolved. Apparently the Congress of Hispanic Educators and the administration are presently attempting to develop a compromise program that is acceptable to the appellate and district courts.

Five procedures were used in the Finger Plan to achieve racial and ethnic integration. First, schools were rezoned through a computerized system of pupil accounting. This was done through a grid system, and eventually the grid lines were changed to become school boundaries. Within the zones a percentage of 40-70 percent Anglo was to be achieved. Second, short distance busing was used in 11 elementary schools with approximately 4,300 students. The number of children bused was approsimately 1,500 minority and 400 Anglo students. Third, minority busing was used, involving 1,100 minority students, to achieve integration. These students were bused

to elementary schools in south Denver. Fourth, a pairing system was devised involving 37 elementary schools and 12,000 children.

Problems that have been precipitated because of the desegregation effort in Denver have included parental opposition, difficulties with Title I money following the child, and finally, administrative problems. Obviously, Denver like any other city has parents dissatisfied with desegregation. As mentioned before, a group has been formed to oppose forced busing and this has been a source of intense opposition. Desegregation has also caused problems with the dispersal of Title I funds. Children in Title I schools who become part of the desegregation plan may be moved to a non-Title I school where they are no longer eligible. Under the regulations promulgated by HEW, the district cannot use Title I money in a non-Title I school and as a result the children previously aided by the federal program are no longer eligible. Finally, the district must cope with administrative problems that are part of any desegregation plan. These problems include budgeting for buses, assigning of pupils to different schools and budgeting for any new expenditures that may be incurred by the desegregation plan. These problems are not uncommon and Denver has been able to cope with them.

PROGRAMS

Title I

There are several projects or programs in Denver that are funded by Title I. The funding level for the district is $3,559,913. The projects are divided into several categories: elementary projects, private school projects, secondary projects and other projects. Denver uses the AFDC formula as criterion for a child's eligibility.

The programs under elementary projects have funds totaling $2,069,205. The programs that fall in this category are diagnostic teaching centers, an early childhood project, and a home education language project. The diagnostic teaching centers are primarily aimed at those disadvantaged students who have failed to benefit from existing programs. Purposes for the program include the improvement of the academic and personal performance of these children. This program serves grades 1-6. The early childhood project serves approximately 323 four-year olds in an attempt to improve their language and pre-number skills. Finally, the home education language project is aimed at those students who have exhibited severe language problems in their kindergarten classes. This project serves approximately 320 children.

Programs under the private schools project total $135,488 and include the reading maintenance and improvement program and the teacher aide math tutoring program. The reading maintenance and improvement program is offered to Catholic parochial schools for students in grade levels 1-12, who are reading below grade level. Approximately 250 pupils participate in this program. The teacher aide math tutoring project is offered to parochial schools for students who need help in mathematics in grades 1-12. This program serves a total number of 120 students.

There are three programs under the category "other projects: with a total budget of $171,710. The three programs are the project for institutions, the senior high peer tutoring project, and the needs assessment project. The first project is remedial in nature for 75 institutionalized children. The senior high peer tutoring project is to provide Title I students help in passing the Proficiency and Review Examination. Finally, the needs assessment program is to establish a needs assessment of the Denver school district.

There are several problems that are perceived by the community with respect to Title I. First, with the process of desegregation some students in a Title I school were transferred to non-Title I schools. As a consequence, these children lost their eligibility to participate in the Title I program. Indeed, members of the Title I Parent Advisory Committee were concerned with the fact that some of their children were losing their eligibility for Title I programs. They advocated that Title I follow the child: however, subsequent regulations from HEW made this a moot point. Second, parents whose children through transfers became eligible for Title I objected on the grounds that their children did not need the program. Finally, one community group felt that there was no need for Title I, feeling that it did nothing to help the children it attempted to serve.

While these are the problems as perceived by the community, the school administration has other concerns. Though the administration perceives follow the child as a real problem, they see little that can be done. In fact, they are against the concept that money follow the child, since they feel that given the present funding levels only 25-30 percent of the eligible children are served, and a dispersion of the money might reduce the effectiveness of the program. Also the federal program director felt that approximately 5 percent of the eligible children are affected by desegregation and as a consequence it is not as severe a problem as it might seem.

The major problem that the administration perceives as having been caused by desegregation has been the proliferation of private schools. The Denver public school system has 120

schools with 75,503 students, while there are 125 private schools in Denver with 16,811 students. The difficulty is that Title I funding must be given to eligible children within those schools, yet these schools are in no way obligated to meet any federal requirements.

Though the problems discussed deal with conflicts caused by desegregation, the administration feels that there are other problems with Title I. A major problem seen by the district is both the inflexibility and incomprehensibility of the regulations. The federal program director felt that the regulations needed to be overhauled, eliminating obsolete regulations and stating them in a clear concise form. The administration felt that the reporting requirements were too complex and counterproductive. The administration also noted that the Office of Civil Rights (OCR) and the Office of Education (OE) had differing interpretations of the rule on follow the child under Title I. When Judge Doyle was developing the desegregation plan as part of his court order, he wanted to include the stipulation that the Title I money follow the child. Before placing the requirement in the court order, he conducted an informal inquiry by contacting officials of OCR and OE asking for their interpretation. Both agencies sent representatives to meet in the judge's chambers to discuss the matter. OCR stated that the Title I money could follow the child, while OE interpreted the regulations to mean that the money could not follow the child. OCR was found to be in error in its interpretation. After four weeks of confusion, the judge did not include the follow the child stipulation in the court order.

These are the major problems seen by the district with respect to Title I. Changes they see as essential are use of academic indicators to determine eligibility, reduction of the reporting requirements to a simple form, and finally, overhauling the regulations, stating them in a simple and clear language.

ESAA

The total ESAA budget is $1,927,568, which is divided into three programs. Under this Act there are the basic project grant, the pilot grant programs, and the bilingual education project grant.

Under the basic project grant there are two programs. First, the orientation motivation operates in all schools K-12, for orientation motivation activities in a desegregation setting. Second, hold youth programs are designed to increase the retention power of junior high school youths who have demonstrated a potential for dropping out or have a high absenteeism rate. This program operates in all 18 junior high schools.

Under the ESAA pilot grant programs the primary purpose is to improve the instructional program in selected elementary and secondary schools which have over 50 percent minority pupils. This involves the total school staff in re-education toward effective instructional practices, human relations, cultural awareness and group problem solving. A total of 58 public schools participate in this program.

Finally, Denver has a bilingual education program funded by ESAA. The project operates in 15 public schools for grades K-12. It is aimed at meeting the needs of pupils who have different linguistic skills because of the influence of another language in their cultural environment.

There are various problems with the ESAA program. Perhaps the greatest difficulty with the program is that with the present law ESAA money cannot be used for any section of the desegregation plan. Under the present plan, Denver is required to provide a bilingual-bicultural program in six schools, and because of the supplanting interpretation, the district cannot use ESAA in those schools. In addition, since Denver has no ESEA Title VII, they must resort to other funds to implement the bilingual-bicultural program.

Another problem that Denver has with ESAA, though not directly related to desegregation , is the timing of funds and the deadlines for proposals. First, given the time frame in which new proposals must be submitted, there is no way to evaluate present programs and determine whether it is worthwhile to continue them. Second, once proposals are submitted, their future is unsure since the appropriations are annual. This prevents planning and other important operations needed in order to have a strong program.

A third problem with ESAA is the criteria and method used to approve or disapprove a proposal. The regional office selects readers to review and assign points to each proposal. The problem with this, according to Denver officials, is that the readers are either higher education people or people from rural areas who know little about urban secondary education problems. Denver's administration feels that the points assigned are often misplaced.

The final problem that Denver has encountered with ESAA is its requirements for racial breakdown. ESAA requires a complete ethnic breakdown of the school district; however, OCR requires the breakdown by school. Since this requirement was not in the ESAA regulations, the district questioned OCR's authority. OCR's response was that they either provide the information or their application would be held up. Denver feels that this is a clear violation of the law and OCR is overstepping its bounds of authority.

Given this set of problems the district feels that the following changes ought to be instituted:

(1) The expenditure categories ought to be less restrictive
(2) The readers ought to be familiar with urban secondary education problems
(3) Congress should forward funds for a couple of years.

Bilingual education

The district for five years was a recipient of funds under Title VII of ESEA; however, these funds were discontinued in 1974. There are conflicting reasons for the discontinuation of the grant. One administrator related that funding for Title VII ran in five year cycles, and Denver, having received money for five years, was no longer eligible. Another administrator felt that Denver, having failed to underwrite a portion of the bilingual program, lost its eligibility. The reason for this confusion is that Denver was never officially notified in writing why its grant was discontinued. Presently Denver uses two funding sources for its bilingual-bicultural program. The state under H.B. 1295 contributes $65,583 and the federal government under ESAA contributes $717,062.

Denver has four bilingual programs, three funded by ESAA and one that is funded by H.B. 1295. The first program funds several diagnostic centers throughout the district, which attempt to determine the educational needs for bilingual students. The second funds a cultural arts and understanding program. This attempts to improve the understanding of the different cultures within the district. The third supports the ESAA bilingual-bicultural program which exists in 15 schools for grades K-12. Finally, there is a program in seven schools for K-3 funded by state H.B. 1295.

The principal problem with ESAA bilingual funds is they cannot be used in the six schools that are affected by the desegregation plan. This, however, is not a major problem, since there are state funds available to establish the program. Another problem that the administration sees with this title of ESAA is that it has no eligibility requirements. As a consequence the administration is confused on what eligibility criteria it should usd in proposals. There also exists difficulty with the evaluation procedures by the Office of Education. The problem appears to be that no written report is sent to the district after on site visits. Finally, deadlines for proposals prove to be very constraining.

Another problem that the district faces with respect to bilingual education is the question of eligibility. Denver

officials feel that some clarification must be obtained on the authority of OCR. They feel OCR has begun to make policy with respect to bilingual education. In addition, the eligibility requirements set down by OCR are confusing, since a district does not know whether it must use those criteria.

Members of the community felt that the major problem with bilingual education was the attitude of the district. A member of CHE characterized the bilingual program as functional in K-3 and non-existent in the secondary schools. He stated that it is the district's lack of commitment that has made the programs ineffective. He noted that the Denver principals are extremely autonomous and have refused to vigorously support the programs in their schools. CHE felt that a strong directive from the central administration with respect to bilingual education would bring those resisting in line.

These are the problems presented by the administration and the community. Perhaps a few changes in ESAA would strengthen the program, or perhaps greater administrative support would help; whichever proposition might be correct, Denver's problems with bilingual education are also money related. They simply do not have the funds to have an effective program. Indeed, changes in ESAA, and in the administration's attitude combined with higher funding levels would allow Denver to have a better program.

CONCLUSIONS

Denver has a few difficulties that have occurred as a result of desegregation. The primary concern of the district has been follow-the-child," and that has been partially alleviated by ESAA. Another problem that the district faces is its conflict with OCR. The district has been continually hassled by OCR to provide information which they believe is not required by law. They feel that a firm handle must be obtained on what OCR can and cannot do. Finally, the district feels that a complete overhaul in OE's regulations is necessary. They feel that obsolete guidelines must be discarded and new guidelines must be written in simple English.

The conflicts between federal programs that have been created as a result of desegregation have not been major. As mentioned, ESAA funds have been used to compensate for the dispersion of Title I students. Additionally, the district has used Title VII of ESAA to replace Title VII of ESEA. The use of ESAA money may change in the future, but presently it is used to bridge the transition from a segregated system to an integrated system. Indeed, Denver has not found the federal programs as flexible as they might like; however, they have been able to cope with changes brought on by desegregation.

APPENDIX E

MILWAUKEE CASE STUDY

BACKGROUND

Demography

Milwaukee, located on the shore of Lake Michigan, is the largest city in Wisconsin with 717,099 residents in the city boundaries and another 700,000 people in the suburbs.

Milwaukee is largely a manufacturing center, with incomes reflective of the type of occupations available: the per capita income is $3,489, while the median family income is $11,336. The annual median income is $6,554, with Whites earning $6,850 and Blacks earning $6,003. The 1970 census shows 5.7 percent of the families below poverty level.

The population of Milwaukee has decreased since 1960 by about 4 percent. This is a result of various factors, including a movement of White, middle income persons to the surrounding suburbs. There has been an influx of Blacks and other minorities into the central city, with the total minority population rising above 15 percent. This concentration of minorities is large in comparison to the state as a whole, which has 96.4 percent White, 2.9 percent Black, .4 percent Indian, and .3 percent other minorities.

Although census data does not show it, Milwaukee is the center of many ethnic groups, the predominate one being German. The city is fundamentally oriented toward "law and order." This ideology extends to the state itself, which has provided, among other things, a state financial inter-district busing program which supports the federal, court-ordered desegregation plan.

The city (including the school district) imposes a heavy property tax burden on its residents. Unless state and federal funds are provided, no substantial expansion in Milwaukee's school expenditures can be expected.

The Milwaukee public school district is the fifteenth largest district in the nation. It operates 124 elementary schools, 19 junior high schools, 3 combined junior-senior high schools and 12 senior high schools (as of the fall of 1976).

The total enrollment in 1976 was 109,565 students. Kindergarten and elementary students numbered 58,671. Secondary

enrollment was 50,894. Breakdown by race is approximately 38% Black, 5% Hispanic, 1% Native American and 56% Anglo.

There are 6,131 teachers, 367 of whom are funded through Federal programs. Their racial breakdown is 15% Black, 84% Anglo and less than 1% Hispanic (approximately).

The cost of education per pupil is estimated at $1,678.44. The property tax rate per thousand dollars of assessed valuation (83.7 percent of full value) is as follows:

Public School Tax levies	1976	1977
School Operations Fund	$18.77	$20.74
Extension Fund	.74	.78
Construction Fund	.60	.60
Total School Tax	$20.11	$22.12

Total estimated revenues from state and local sources in 1976 came to $216,350,959. Federal program funding provided another $16,328,252. The three federally funded programs of primary interest in this study were funded as follows:

Title I	$8,313,846
Bilingual	468,090
ESAA	3,409,724

Political Climate

The School Board

The Milwaukee School Board is an elected body, chosen at large for four year, staggered terms. The board has a low turn-over rate, with some members having served for over twenty years. Each member has his or her own constituency, but this is only after election; winning office is not usually a result of being vocal on the issues. Certain board members claim ties with the teachers' union, which is a strong force in Milwaukee school politics. Others draw support from certain areas of the city or certain minority or other groups.

The School Board has a history of limited innovation, relying on the superintendent's programs. In the mid-1970s, the superintendent resigned and was replaced by one who was known to be a desegregation expert, but who was expected to be fairly conservative in defining the scope of desegregation.

The Board has divided itself into sub-committees, which are responsible for overseeing certain aspects of the school system. This is to allow for more in-depth study of programs and policies. But it also gives long-standing members, who tend to be more conservative, control of nearly all decisions coming from the subcommittees.

With respect to the desegregation issue, the school board has divided into two distinct groups. The majority of eight votes consistently as a bloc in favor of the more conservative aspect of educational issues. This group is anti-desegregation and has been relatively unresponsive to the Court's pursuit of a comprehensive desegregation plan.

The minority group on the Council is made up of newer, younger members who are proponents of projects enhancing minority education and other more innovative projects.

The majority tends to have greater access to administrative personnel for information, and seems to be involved in decision-making all along the administrative process, rather than just in response to policy issues brought before the Board.

Minority members tend to have less time to devote to the school board, and do not have the access to administrators which comes with years of building the relationships.

Board members do not seem to be elected on issues per se. Even as desegregation has been a major issue in Milwaukee, pro- and anti-desegregationists were elected to the Board this Spring. This seeming lack of issues is an irritant to one Board member who feels that there is no "give" to the board: there is no compromising or negotiating. In almost every instance, the vote comes out the same (8 to 6).

The Board members generally know very little about Federal programs even if they affect a particular constituent group. Although they sign off on all Federal proposals, two Board members interviewed did not remember ever seeing the ESAA or Bilingual proposals.

Most of the Board members seem to be eager to learn, but pressed for time. The minority members want a staff, or at least a budget analyst. But the majority votes these ideas down.

Committee of 100

Following the Court's desegregation order the Superintendent recommended to the Board that a committee of 100 parents and teachers and students, to be elected by parents from each

of the school system's fifteen high school clusters (which include elementary and junior high schools in the high school feeder patterns), be established to provide community input in the development of a desegregation plan. With the Board's approval, the Committee of 100 was formed.

The Committee proved to be industrious, imaginative and, to the surprise of many, independent and outspoken. It became a strong force in the development of the Superintendent's desegregation plan, working long hours, offering well-considered proposals and never failing to criticize the Superintendent and/or the Board when it deemed such criticism to be warranted.

One outgrowth of the Superintendent's first year desegregation plan was a division of the city into twelve racially balanced elementary school "leagues", and the creation of two additional leagues to represent junior and senior high schools, respectively. The parents of each league elected representatives to league councils which played an active role in developing desegregation proposals for their respective leagues. The league councils fed their proposals to the Committee of 100 for consideration and incorporation into the proposals made to the school administration by the Committee of 100.

Through the Committee of 100 and the league councils, literally hundreds of parents (as well as teachers and students) from every section of the city were involved in development of Milwaukee's desegregation program. Moreover, their participation represented official broad-based community involvement. This has been an important factor in the relatively high level of community support that has been developed for Milwaukee's desegregation plan.

Coalition for Peaceful Schools

The Coalition for Peaceful Schools is the most important community group outside of the formal desegregation committee structure. The Coalition includes community groups of all different types: religious, school-related, issue-oriented and others. The Coalition's purpose is not to recommend plans for desegregation, but to inform the school administration of the concerns of the community groups, to inform the community itself through its organizational network, and to aid in any way possible the peaceful transition to desegregation.

The non-political stance of the Coalition reflects the group's desire to achieve peace through joining forces of many different interest groups. The Coalition has de-fused some potentially violent situations in the first year of desegregation. It has worked with the administration as much as it has been allowed, to help in such areas as driving

children to school, telephoning, and monitoring in the halls of schools.

It provides a newsletter to all members and some non-members. It is associated with a national pro-desegregation group which has given it many ideas for activities, lectures, and other programmatic suggestions.

The Coalition is applying as a Non-Profit Organization (NPO) under ESAA this year. It needs more than the limited donations from members, and part-time volunteers from member organizations to continue its present program.

DESEGREGATION

The Milwaukee desegregation case began in 1964 when Lloyd Barbee, President of the local NAACP, and lawyer for the plaintiffs, brought suit against the MISD school board, superintendent, and board secretary, for forty-one named Black and White children. In 1967, the U.S. Commission on Civil Rights did a study of Milwaukee. In 1973, the case was tried, relying on many sources of evidence, including the Civil Rights Commission findings. On January 19, 1976 - twelve years after the complaint was originally filed - the District Judge, John Reynolds, decided in favor of the plaintiffs. Reynolds appointed a Special Master, John Gronouski, and ordered the School Board to develop a desegregation plan.

The court finding was that segregation existed over the past twenty years since the Brown decision, that it was created and maintained by the defendants, and that the defendants must forthwith dismantle the city's dual school system. The court also determined that the case was a class action, and that appointed counsel would represent the class.

The "findings of fact" included:

1. Boundary changes which surrounded Blacks who had drifted out of predominantly Black areas,
2. School additions and portable classrooms provided to alleviate overcrowding in Black areas, rather than adjusting boundaries into generally White areas,
3. New schools consistently built in newer, predominantly White residential areas,
4. Busing Black children "intact," keeping them in separate classrooms in the new schools,
5. Allowing "freedom of choice" plans which allowed Whites to move out of predominantly Black schools, encouraging further segregation. These plans did not provide busing.

The defendants argued that all of these findings reflected the district's commitment to the concept of "neighborhood schools," and were not intentionally segregative. The court declared that any instance, taken seperately, may be construed as non-segregatory; but placed together, the instances showed persistent segregatory intent. The court was presented evidence of this intent through such varied examples as teacher placement, busing programs, substandard classrooms, and school construction plans.

The court allowed a great deal of leeway in the procedure through which the defendants were allowed to remedy the situation. Directing his remarks at the present school board and superintendent (although other names were among the defendants), Reynolds asked that they begin to draw up a comprehensive plan, with emphasis on the first year.

Between January 19 and mid-summer, the majority on the school board did very little to show that it was willing to work on a desegregation plan. One lawyer for the plaintiffs believes that the majority is representing older, upper and upper-middle class Whites, many of whom have no school-aged children.

The superintendent, however, had been working with his staff on a desegregation plan since June of 1975. The plan, unique in its concept of "integration through educational incentives," incorporated the use of specialty school and other special program devices to induce voluntary desegregation of the Milwaukee schools, rather than forced desegregation.

The school board, in effect, accepted the concept of educational incentives but voted down support, monetary and otherwise, for the substance of McMurrin's plan. The superintendent's plan had the support of many community groups, the minority bloc of the school board, the Committee of 100, and the teachers' association (the undesignated intervenors in the case).

By the end of the summer of 1976, after its Special Master had held several hearings, the Court rejected the plan and ordered a new one. It also reprimanded the school board for its consistent stalling on drawing up a comprehensive desegregation plan.

A new plan for 1976, the first year of a three year schedule for desegregation, consisted of specific plans for desegregating one-third of the student population. This consisted largely of reducing the student populations of overcrowded (Black) schools and opening specialty junior high schools and elementary schools. The latter introduced

attractive educational programs designed to induce students to choose an integrated educational environment. Most of those who moved from other schools at this time were Black students.

The definition of racial balance recommended by the Special Master and accepted temporarily by the Court was 25-25% Black students. Faculty were to ultimately move to 11-21% Black teachers in each school.

The other major action taken by the court was to require that a comprehensive plan be designed for the remaining two years of the three year desegregation period.* The Special Master was ordered to provide defendents with guidelines for development of the plan.

The future planning for desegregation began in the fall and spring of 1975-76. The school board approved the concept of community participation in the planning process, and the Committee of 100, and 14 "leagues" representing all schools, came to be recognized as the community's avenue of representation.

Many felt that the majority on the board was using the "community input" idea as a method to further prolong the process of planning. Whether this is true or not, the Committee of 100 was a surprisingly energetic, committed and persistent group of pro-integrationists. Newspaper accounts tend to view the group as people who may not all have been in favor of desegregation, but who, upon recognizing both the legal mandate of the court ruling and the potential influence the committee could have on the final desegregation plan, acted accordingly.

In the fall of the first phase of desegregation, the local school committees, or "planning councils," met and formulated recommendations to be sent to the Committee of 100. By November 22, those recommendations were consolidated and sent to McMurrin, whose office incorporated them into the "Green Plan," the first draft of which was submitted to the school board on December 8.

Meanwhile, the Court had granted a new deadline on submission of a comprehensive plan by the defendants. Upon recommendation of the Special Master, the date was moved back

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* It is difficult to outline the history of the Milwaukee case in the past year in a brief summary, because of the immediacy of the case and the latest court ruling. Therefore, highlights will be included, and at different intervals in the summary, unique factors will be explained in more detail.

to January 3, 1977. It was Gronouski's belief that, although the majority on the board was reluctant to act on a comprehensive plan, the community and the superintendant needed more time to develop their plan.

The Special Master continued to monitor, evaluate and report on both the first phase and the ongoing plans for the future. Gronouski voiced concern over the lack of White movement into specialty schools in the predominantly Black neighborhoods. While formerly predominantly White schools gained a substantial Black population in the fall, only one of the five formerly Black elementary schools reached the goal of the percentage range set up by the court. In listing comments and criticism elicited from community people and those involved in the school system, Gronouski stated that future success of the voluntary plan rested in the school board's commitment to high quality education.

It is interesting to note here that the Court finding stressed that the Brown decision did not require quality education but equal education. The Court was directing this statement to the defendants, who had maintained that the quality of the school system rested in a continued segregated structure. Although the Court makes it clear that the Brown decision safeguarded equality, Gronouski consistently stressed the need for quality as an inducement to voluntarily desegregate.

There are two distinct processes at work in the Milwaukee desegregation case. While the defendants were saddled with the burden of devising a program, the Special Master was to monitor the procedure, and obtain a grasp of the needs of the community, as well as understand the needs of the administration in setting up a potentially sound program. In a sense, Gronouski's community meetings and public hearings co-opted the potential anti-desegregation forces, which in most cases claim that the court does not consider the needs of the community. Both the reluctant school board and the factions in the community who were not in favor of desegregation were given ample opportunity to voice their opposition to, or alternative plans for, desegregation.

The school board's lack of action changed somewhat in the fall of 1976. While approving the possible input of the community through the Committee of 100, they took action on their own in late 1976.

On December 6, the Austin, Texas desegregation case was heard by the Supreme Court. A three-judge panel ruled in favor of the defendants, claiming that the remedy imposed by the Court of Appeals was too sweeping and that remedies should more closely parallel what would have happened had a school district not intentionally segregated.

The Milwaukee School Board drew up what was later called the Austin Plan, asking Judge Reynolds for a rehearing based on the new Supreme Court ruling. The Austin Plan was very limited and relied on the Board's view that very few schools would have to be desegregated based on the court's specificity as to which schools had been segregated in the past. The school board also asked for a deferral of the January 3 deadline pending the rehearing. The deferral of the deadline was denied by the Court on December 28.

On December 28, the Austin Plan was accepted by the Board as the plan to be presented to the Court. The plan developed by the Superintendent with the help of the Committee of 100 and the fourteen leagues (referred to as the Green Plan) was presented to the Board at that time.

On January 3, the defendants filed the Austin Plan, which had been drawn up by their attorney. They also filed what came to be called the "Blue Plan", which was in essence the Green Plan without its substance. Counsel for the Plaintiffs and the undesignated intervenors filed written responses to the plans.

On February 3, the Special Master held a hearing, at which time the Blue Plan, the Austin Plan, and the Green Plan were discussed. The Green Plan was introduced into evidence by the plantiffs' counsel, but McMurrin was addressed by the Special Master concerning its substance. This situation is notable because, although McMurrin is legally accountable to the School Board, and thus normally is bound by their decisions, he is also cited as a defendant in the case. Thus, the Special Master asked him to discuss the merits of the plan which his office drew up. This placed McMurrin in a relatively unique position. He was then asked by Gronouski to compare the educational merits of all three plans. In essence, McMurrin said that the Austin Plan was not appropriate, the Blue Plan lacked substance, and the Green Plan was educationally sound.

The Green Plan was based on community participation, and was acceptable, for the most part, by the plaintiffs and the undesignated intervenors. In the last month before the final Court Order, the last important details have been slowly worked out between the plaintiffs, the defendants, and the Special Master.

The major problems have dealt with the time line of the plan, the percentages which constitute a desegregated school (given the time line and educational considerations) and the possible need to close some schools.

The plan adopted by the Court called for desegregation of two-thirds of the students by September 30, 1978 within

the 25-50% range, one-sixth between the 20-65% range and the remainder between 15-75%. Gronouski allowed for adherence to the original time line of two-thirds desegregation in 1977 and all schools desegregated by 1978. The worry, expressed by the administration, was that more than two-thirds could not be accomplished based on the "educational incentives" concept. The program quality was at stake.

Exempt from desegregation were kindergarten, pre-kindergarten, and severely handicapped programs, and those schools which were designated as of May 1, 1977 to be closed in the next two years. This seemed to be a concession to the defendants that it might be necessary to close some of the oldest schools, but also some of the schools in the largest percentage Black areas.

The Green Plan included a concept called a "test of reasonableness" as a measure of whether naturally integrated schools and heavily Hispanic populated schools could remain intact. The Special Master concluded that the concern for these two situations was justified, but that the administration should confine itself to the use of the flexible percentage ranges already in the plan to allow for exceptional programs or natural integration to exist. In the case of the Hispanic grouping, Gronouski recommended that the administration allow some of the lower percentage ranges of Blacks to supplement the continued presence of Hispanic Bilingual-Bicultural programs. This may be considered a problem, however, if the Hispanics or the Court feel that the Hispanics are being used to "fill in" for other Whites in predominately Black schools.

Among the problems created by the first phase of desegregation, and anticipated in the next two years, is the Title 1 follow-the-child problem - considered a serious problem by the Superintendent, and reflected in his comments in the February 17 hearing. The Bilingual Parent Advisory Council has also asked to be accepted by the Court as an identifiable minority group, to be involved in the remedy, but not to be identified as discriminated against. Further the Special Master feels that the ability to incorporate a substantially intact, present Bilingual-Bicultural program will rest on the courts allowing the administration some discretion as to identification and maintenance of groupings of Hispanic students. If they were treated as are Blacks in the desegregation plan, most Hispanics would be dispersed into even smaller groups.

The Superintendent and the Special Master concur in the belief that there are problems with ESAA in that the programs included in the Court plan, by virtue of their inclusion, may not be able to be funded by ESAA. This has yet to be clarified by the Court or the Office of Education.

Since the Title I schools may change after the voluntary choices are made by the students, and since the ESAA program will now have to be reapplied for, and possibly rewritten to suit the new Court Order, it is difficult, at present, to evaluate the future influence, both corrective and disruptive, of desegregation on the three Federal programs.

The Court has accepted the Green Plan, as amended by Gronouski, almost completely. It remains to be seen whether the concept of voluntarism can work in such a large school district. The plan adopted by the Court, while strongly oriented toward voluntary desegregation, contains a "back up" plan which provides for mandatory movement of students (and faculty) in the event voluntary means do not accomplish the goals established by the court. If the plan does not work, the community participants who spent so much time on developing recommendations for the plan cannot be faulted. Nor will it be the fault of the administrators who have drawn up an innovative educational program in response to perceived social and educational needs. It must also be said that the Court has responded with a deep awareness of the potential commitment of the Milwaukee community, in allowing so much leeway and so few punitive boundaries in which a plan could be developed.

The fate of the plan will rest on many factors. The school board must express its faith in the plan. The plan must have a funding commitment to support so many special programs which are the main enticement to voluntarily desegregate. And the community must continue to participate in decision-making, monitoring, and supporting the plan.

FEDERAL PROGRAMS

Emergency School Aid Act (ESAA)

ESAA is new to the MISD as it was applied for only after the January, 1976 Court Order. The Milwaukee Independent School District has had difficulty from the beginning with its ESAA application. The grant announcement was in the Federal Register, received August 1. The proposal submission date was August 30. Two weeks before submission the State Education Agency was forwarded a copy of the Milwaukee proposal. One week prior to submission, a public hearing was held, in compliance with Federal regulations. And before submission, a public advisory committee had to be formed which had to sign off on the proposal. Thus, MISD had from August 1 to mid-August to write its ESAA grant.

Because the grant was an "emergency grant," and not one submitted during the regular January application period, MISD sent its proposal directly to Washington, D.C. The readers in Washington felt that the MISD proposal, the cost of which was $13.2 million, was too large. Two Office of Education (OE) staff members went to Milwaukee to negotiate cuts and changes in the proposal with Milwaukee school staff. The final accepted proposal was $3.4 million.

Meanwhile, MISD had to apply for a waiver, because it was found out of compliance by the Office for Civil Rights. The OCR asked MISD to submit a waiver which in effect not only made MISD agree to the Court findings on segregation, but forced them to state that discrimination had come to an end, and would not be repeated. This "Waiver of Eligibility" was required before the ESAA application was accepted.

One administrator has suggested that there is a paradox between the notion of promising no present or future discrimination, and the statutory intent of the ESAA program, which is founded on the premise that segregation does exist and that money and aid need to be provided to help counteract discriminatory actions. This idea was echoed by community members.

The MISD official suggested that ESAA was originally targetted on the South, in which desegregation by law was the prevalent problem, and movement of children was the primary goal of Court Orders. In most cases, ESAA provided human relations and community involvement components, and some educational programs. In the North, however, Court Orders have included desegregation plans with educational incentives, rather than just student movement plans. Because of this difference in types of court orders, northern plans have included many programs which by virtue of their inclusion have not been funded by ESAA. OE states that ESAA money cannot be used to pay for programs explicitly included in court orders. The decision as to which programs are explicitly stated in the Court Order and which are not is left to the discretion of OE.

One program which is implicit in the new Milwaukee Court Order which may be an area of contention between regional ESAA people and local administrators is the use of ESAA funds for security - protection of schools and students - in desegregated schools.

ESAA Advisory Committee

The first ESAA Advisory Committee was formed quickly to comply with ESAA regulations. The regulations state that an advisory committee with specific representation characteristics

must sign off on the ESAA proposal. Apparently there was a misunderstanding between the Office of Education and MISD as to the racial qualifications of the advisory committee members. The first group was 50% majority, 50% minority. OE told MISD that the regulations called for members who were one-third White, Brown, and Black. OE also suggested removal of some PTA representatives and the YMCA representative, and replacement with an NAACP or Urgan League representative.

This change in membership caused problems, as the members of the first group already felt that they were permanent choices. An MISD administrator felt that MISD had not understood OE's guidelines, but also felt that OE did not have guidelines as to which organizations should be represented.

Further, some MISD administrators feel that the "one-third" breakdown gives the approximately 5% Brown population a much larger representation in ESAA than its size warrants. Many community and administration people suggested that the Advisory Committee should be larger than fifteen members to incorporate the various interested community groups, but OE strongly suggested that no more than an arbitrary fifteen be allowed. This year the Advisory Committee has voted on its own to expand to twenty-one members.

On the whole, the advisory committee is relatively active and vocal. The administration has been open and willing to share information on the program. The ESAA coordinator informs the Advisory Committee regularly of any action the board might take which will influence ESAA programs. There is a suggestion that there may be a problem as to who among three administrators makes major decisions concerning the ESAA program. This lack of clarity as to leadership may be due in part to the newness of the program, as well as the relatively late hiring of one of the administrators; it may also be due to the fact that while one official is the direct coordinator, many others have been involved in the ESAA application since last August.

ESAA Program

The ESAA program consists of six components: one administrative, one evaluative, and four program elements. The ESAA program has had difficulty in getting started. Approval came on October 1, 1976, although school began in late August. The ESAA coordinator was hired on October 25, and as of mid-February, many staff members had not been hired. The late funding made it difficult to find competent math and reading specialists who had not already taken jobs elsewhere. Some staff was moved out of the regular programs into ESAA spaces, but this involved finding competent teachers to take classes

which had already begun. With 152.25 full-time positions, and 350 part-time positions, late funding of the ESAA program was an acute problem.

The school board and the Advisory Committee were at odds over a particular ESAA component which was originally in the approved proposal. Fifteen "Communicators" were to be hired at a relatively high salary to be liaison people between the community and the administration. The Board (after having signed off on the proposal) decided to place administrators in those positions, while the Advisory Committee expected community people to get the jobs.

In an effort to compromise, a subcommittee of the board suggested, and the board approved, an amendment to the ESAA proposal asking for thirty paraprofessional community aides, at lower salaries, to replace the fifteen Communicator positions. Knowing that the conservative board would not back down on its opposition to hiring community people at such high salaries and with comparatively little educational experience or credentials, one liberal board member had suggested the compromise. Vocal community groups strongly opposed this action, and the ESAA Advisory Committee wrote to OE in Washington voicing its disagreement with the Board. OE turned down the amendment application, so the program will not take place at all. The money will be returned to Washington.

One administrator suggested that some community members foresaw lucrative job positions for themselves or their friends in the fifteen positions. Requiring only a bachelor's degree, administrators worried that the positions could not be satisfactorily coordinated with district salary levels. Community people felt that the Board and the administration were undercutting a liaison program with potential for future aid to peaceful desegregation.

The administration and community representatives interviewed disagreed as to whether lowered salary levels would also include a change in the job description of these positions. The community representatives believed that it would remain the same, but it would be an impossible load for a part-time job. Dr. Peper said that the job description would have been changed.

Other Problems

There have been no non-profit organizations (NPOs) funded through ESAA in the 1976-77 school year. The Coalition for Peaceful Schools has applied for, and anticipates few barriers to obtaining all or some of the $111,000 of Wisconsin NPO money.

The timing problem has been exacerbated by new court orders coming at intervals not coordinated with the regular ESAA funding cycle. MISD would not be hurt by the cyclic nature of ESAA funding if it were to fall into a regular pattern of application. The competitive nature of ESAA may be a problem for Milwaukee, but it will not be clear until MISD applies at the regular time on the regional level.

Another often repeated complaint about ESAA is that its level of funding is considerably lower than it should be. The Assistant Superintendent suggested that if ESAA was an example of Federal support of desegregation, it merely showed how little commitment there seems to be.

Milwaukee has had excellent contact with Washington OE personnel in the ESAA program. The 1977-78 proposal was sent in to the regional office for the January deadline, and consists of basically the same components as last year's program. Pending the next court order, MISD may re-apply if a determination is made that the new court order calls for a new type of ESAA proposal.

Some minor problems exist in the ESAA program which seem to be endemic to newly adopted programs in general. The ESAA coordinator has had some difficulty in working with principals who have accepted the ESAA program in their school but who do not know all of the ESAA regulations. In one case mentioned, a principal agreed to hire an individual who was not acceptable under ESAA guidelines. The coordinator felt that the principals are not used to relying on other administrators for making programmatic or personnel decisions.

There are some very favorable aspects of ESAA, from all sides of the program. Several administrators noted that the program has poured money into the components, all of which have improved the school system in different ways. The programs reach minority-isolated populations in either intensive math-reading aid, or human relations for staff as well as students. One serious drawback to desegregation that was noted was the inability to find ESAA or other money to pay after-school transportation costs for school activities. The ESAA program also provided the district with the opportunity to hire minorities into more and higher positions.

Finally, it is possible to suggest that the Advisory Committee is a mode through which the public, and especially the pro-desegregation forces, can have access to programs, information, and school administrators to which they have had little or no previous access.

Title I

The Title I program in Milwaukee is a controversial and large one, with a present budget of $8,313,846. The main controversy rests in the confusion over the "follow-the-child" provision in the future desegregation of the school district. At present, the district determines which schools and/or programs will receive Title I funds, based on information about eligibility which is gathered by school zone attendance. In the past, the majority of children attended neighborhood schools; thus the high concentration of low-income families was identified by zone: only those children in certain zones were eligible for Title I.

Since desegregation will increase the number of children attending other than neighborhood schools, an alternate method of determining eligibility may be needed. The Superintendent has suggested that targetting schools based on identification of low-income pupil concentration after desegregation (after students make their choice of school) may be the only solution. But the 1977-78 target population will be calculated based on the 1976-77 attendance records, because proposal development, staffing, and summer plans will have to be prepared. This will not reflect next year's concentration of Title I children. The Superintendent has noted that a large movement of children might tend to narrow the margin of percentage difference in the number of Title I eligible students in each school. This may result in having to choose between relatively similar concentrations of students.

The concern of the Superintendent has been made clear to the Special Master as well as to the community. It is not that Milwaukee will not be eligible for the Title I money, but that the most "needy" children may not receive the money if they are dispersed to many different schools.

One administrator commented that this problem arises out of the extremely low funding level of Title I by Congress. If the funding level were 100% of authorized appropriations, then almost all Title I eligible children could be served rather than choosing the most desperately needy. One suggested way of getting more money to the students would be to remove some of the administrative costs of state level bureaucracy. He feels that the Federal law or guideline could provide for specific "pass-through" of Title I money directly to the LEA.

The Superintendent does not believe that following the Title I targetted children is possible, because his interpretation of the regulations is that concentrations within a school must be identified before individual pupils are finally identified. The Title I coordinator feels that

following the Title I child with money is impossible because Title I money buys materials and teachers, not individual student packets that may be moved around with individual students.

One complaint of the Title I office is that the Federal forms have a tremendous amount of detail, supplemented by state forms with more detail. Although that office was not asked what should be cut out of the application, the Assistant Superintendent alluded to a similar problem of proposal writing: the targetting of Title I to schools is too prescriptive as to program design. In the first years of Title I, before the state and federal bureaucracy grew around the program, it was a freer program. But over the last few years MISD has given up the concept of targetting to needs and instead concentrates funds on a consolidated program in grades 1-4.

Community Involvement

The Title I coordinator feels that the Parent Advisory Council (PAC) is very active and supportive of the program. Members of the PAC, however, tend to express problems seen with the program.

The committee members are elected. The parent body elects members in PTO or PTA meetings. The District Council is elected for a two-year term, as are regular PAC members. Both local and district groups meet monthly. The District Council meets in other places than the Administration building because parents feel uncomfortable meeting there. One member said that administrators tend to intimidate central city people.

The PAC and the administration's Title I liaison person have conflicting views concerning certain aspects of the program. The committee members interviewed suggested that the committee lacks leadership and blames it on the liaison person on the staff, while the liaison person tends to believe that the committee is positively involved in the program, but has not provided leaders. The community blames the rejection of three Title I proposals on the Title I coordinator; they see the state office as being committed to Milwaukee's community participation.

Title I members see their role as monitors and "recommenders" to the administration. The PAC has sub-committees involved in various areas of the program, and working with different Title I personnel. It also contacts and works with other advisory committees as needs arise.

The PAC sees its relationship to the Board as tenuous at best. Most members interviewed feel that the Board is not

well-informed about Title I, and that their actions generally tend to hurt Federal programs. PAC members feel that the coordinator does not, but should inform the PAC about when Title I issues will be addressed by the Board or one of its sub-committees.

Board members interviewed knew very little about Title I and complained of lack of time and staff to devote to a better understanding of the program.

The Assistant Superintendent went further to describe Title I as a program with a negative stigma attached to it. He thinks that the program can be considered segregative because the children who are called Title I eligible must be served by materials and/or teachers seperately from non-Title I children. This official suggested that students need to participate together and that this artificial separation causes many problems among children.

Bilingual

Bilingual Education in Milwaukee is a relatively new program, funded this year through Title I ESEA (Migrant), Title VII ESEA (Bilingual) and a state program (Chapter 364), as well as (in the past) local funds. It began in 1969, with funds from Title VII ESEA and local money, and has been expanding ever since. Approximately 50% of the Spanish-surnamed pupils in the state live in Milwaukee. These include Cuban, Puerto Ricans, Mexicans, Texas migrants, and other smaller groups. The total number of Spanish-surnamed pupils climbed above 4% of the total number of MISD pupils in 1974 and continues to grow.

Local money has increased, largely due to the population increase. The local philosophy toward Federal funds is that they constitute "seed money" to be supplemented by state and local funds.

The program stresses the dual aspect of bilingual and bicultural efforts. With positive evaluations of the program in earlier grades, MISD has tended toward extending the program into the secondary level. Biculturalism has been stressed in terms of not only teaching English through Spanish, but in terms of acknowledging the historical strength and importance of the cultures from which the pupils have come. This seems to serive from (and is indeed suggested in a Title VII proposal) the presence in Milwaukee of a strong German cultural heritage. There is a tendency to accept and promote language and cultural tradition which allows the program to flourish in the school system, with the support of many groups.

MISD sees the limit on funds from OE as a major problem. Local effort is tied to an already high property tax, and Federal money is needed to expand the program to all who need it.

A Bilingual-Bicultural administrator stated that there was no technical assistance from OE prior to proposal preparation, but that informal contacts are regularly made with OE. The funding process is described as "politicking," appreciation of high quality proposals, and deference to previously funded school districts. No bilingual application by MISD has ever been rejected; this may be the result of no competition in Wisconsin until recently when Racine ISD applied for funds.

If OE contacts are not constant, it may be because MISD relies on services and materials from other sources. The University of Wisconsin at Milwaukee, a state evaluation team, and the Midwest Resource Center in Arlington, Illinois provide the Distirct with ongoing information. MISD sees OE as the informational source for both OE and OCR regulations, but considers OE and OCR as fairly seperate, independent departments.

The district claims that if it must comply with the Lau remedies that it will need more money to do so.

Conflict Between Programs

There is a distinct disagreement between Title I and Bilingual administrators as to whether Title I migrant money should be used for a bilingual program. It has been difficult to convince state education agency personnel that Title I money can be used for the Bilingual program.

Community Involvement

The community seems to be the strongest asset to the Bilingual-Bicultural program. Many members of the Bilingual Advisory Committee are well-informed and have strong opinions as to the program and governmental influences over it.

The state Bilingual-Bicultural program began in 1976. One community member felt that Latino lobbying was a major factor in its passage. The community was worried that state passage and funding may limit the Federal government's commitment to MISD because the Federal funding may be considered seed money which will be removed after state and local commitment strengthens. So far this has not occurred.

The Advisory Committee is composed only of Latins. Members of the executive committee are elected at large, and meet as often as necessary. Meetings are publicized on Latin radio.

The MISD is considered uninterested in Latin concerns by one Advisory Committee member. Another suggested that the district does "what benefits it most," implying that it responded in a fairly limited way to Latin needs. Parents do not feel they can make an impact at Board meetings, but some attend if a Bilingual-Bicultural program is on the agenda. They reserve their efforts for the Advisory Committee activities in which they participate more extensively. (The meetings are held in both languages). The committee sees itself as having some voice in the Federally funded programs, but not full control. They have been vocal about too few Latin teachers being hired by MISD. At present, there are about one percent Browns on the staff.

Desegregation

Desegregation is a big concern of some Bilingual-Bicultural advocates. Desegregation is defined by Court Order as mixing "Blacks" and "non-Blacks." Some community members are opposed to being grouped with Whites. One Advisory Committee member expressed her reasoning in strong language: "child abuse" is constituted in putting a Spanish-speaking child in an all-English classroom.

In response to the concern of the Latin community, the Superintendent included a section on the issues surrounding desegregation as they relate to the Hispanic students, in a report to the Special Master. In that section, the Superintendent asked the Board to consider a list of suggestions. The crux of his suggestions lies in the redefinition of minority to include Hispanics as well as Blacks.

The latest action taken by the Hispanic community is to petition the Court for status as a second minority group. The Special Master suggested that their identity as a segregated minority would lead to dispersion of Hispanic students to all schools, and a less-cohesive Bilingual-Bicultural program. The Special Master has advised, and the Court has approved, a plan which responds to the Brown community and the Superintendent's concerns. The Court has given the Superintendent authority to give non-Black minorities priority under the order.

Conclusion

The federally funded Bilingual-Bicultural program has been used in a coordinated effort in Milwaukee to supply a relatively small community with educational incentives to aid in achieving a better education. The administrators see a potential increase in their problems with desegregation plans, but consider the program of the MISD over the past seven years as a sign of its commitment to Bilingual-Bicultural

education. This commitment, they believe, should be proof of the need to provide federal dollars.

The community is divided as to whether it believes the program to be working well. Although there was little expressed concern as to coordination of funding sources, their concern was implied in the understanding of the effect of desegregation on the program. Some members expressed concern over the lack of concerted positive public relations by the school administration for the program. On the other hand, one school board member considers the Latins one of her strongest constituencies, and sees herself as their strongest and most vocal ally on the Board.

Federal funds have given the Hispanic community a formal avenue for entry into decision-making in the Bilingual-Bicultural program in MISD.

APPENDIX F

CORPUS CHRISTI CASE STUDY

BACKGROUND

Demography

Situated along the coastline of the Gulf of Mexico, Corpus Christi, Texas, a city of approximately 204,500, is a unique community in many respects. The lovely beaches in the area and mild climate make Corpus Christi a tourist center although the surrounding environment also supports agriculture, fishing, manufacturing, oil, port facilities and a U.S. Naval Air Station and an Army Depot. The median income in Corpus Christi according to the 1970 census was $9,270; yet in over 12,000 of the 49,707 households surveyed, incomes were $5,000 or less. The unemployment rate has crept upward recently to a level of 6.61% in June, 1976.

According to 1970 statistics, approximately 41% of the city's population was Mexican-American, 5% Black and the remaining 53% of the population Anglo. However, the percentage of Anglo students has been steadily falling in the public schools due to both a declining birthrate among Anglos and some Anglo demigration due to recent desegregation efforts in the Corpus Christi school system. The overall number of students has been declining also. In 1969 there were 46,017 public school students - 47.19% Mexican-American, 5.37% Black, and 47.44% Anglo. For the 1976-77 school year, the student population was down to 40,563, with racial-ethnic composition approximately 59.54% Mexican-American, 5.82% Black, and 34.64% Anglo. The school administration's pupil accounting and research staff has estimated that by 1981-82 the school population will decrease to 33,530, with only about 26% being Anglo (this trend is predicted from the continuing lower numbers of students and lower numbers of Anglos percentage-wise entering the elementary grades each year).

The racial and ethnic breakdown of teachers for the 1976-77 school year is 26.6% Mexican-American, 5.1% Black, and 68.3% Anglo. The district's approximately 2,000 teachers are placed in 39 elementary schools (including a special school for the gifted and talented), 12 junior high schools and 6 high schools (including a special alternative education center).

The school district itself is among the ten largest within the State of Texas although it does not compare in size or complexity, of course, with school districts the size of Houston or Dallas. The local tax rate assessed for schools is $1.7, $1.45 of which is for maintenance and operations

and 22¢ for the district's debt service requirements. For fiscal year 1976-77, the Corpus Christi Independent School District budget shows the following expected revenues:

Total Local and Intermediate Sources . . .	$17,617,576
Total State Sources (includes Elementary and Secondary Education Act funds of $2,321,108.	$27,365,882
Total Federal Sources, Transfers, and Non-Revenue Receipts ($2,827,748 of which was strictly revenue from Federal sources)	$ 2,862,748

Thus, the total revenue for the year 1976-77 is expected to be $47,846,206. Of this, it is estimated that 84% is spent on salaries and fringe benefits while only 15% is actually used for the instructional programs themselves.

Corpus Christi, although among the ten largest independent school districts in Texas, still regains many of the characteristics of a small community. The political climate can be generally characterized as conservative and slow to accept change. The school district has had to deal with the special problems inherent in the fact that a large percentage of the student population has limited or no English-speaking ability. This situation, which many other Texas school districts with large Mexican-American populations also face, has led to efforts to develop adequate bilingual-bicultural programs within the Corpus Christi schools.

Housing patterns have generally led to a Mexican-American residential area on the west side of Corpus Christi and an Anglo-populated south side. In 1968 a suit was filed to desegregate Corpus Christi's alleged dual school system. Desegregation was mandated by the court and the school district has been under a court-ordered computerized busing plan for the elementary schools since the 1975-76 school year. The singular integration plan involves minimum busing and a lottery system, but also presents other problems which will be discussed at a later point in this study. The junior high schools were desegregated beginning with the 1976-77 school year by a lottery-pairing plan, and a plan to include the high schools in the desegregation order is being developed for the 1977-78 school year.

Political Climate

School Board

School Board members in Corpus Christi are elected at large, which partially accounts for the fact that at present

the school board is all Anglo - six men and one woman. Formerly, there was one Mexican-American Board member who had served for 25 years, but he was defeated in the last election by a candidate supported by an anti-busing group. Although the Mexican-American population is large in Corpus Christi, in the past it has not organized to support and elect Mexican-American political officials. One member and former President of the Board is quite conservative in his outlook, especially concerning fiscal matters, while the other members usually range from moderate to conservative on the issues. Rapport appears to be very good between the Board and the Superintendent, who has served in that office for 15 years.

With respect to Title I, ESEA; Title VII, Bilingual' and the Emergency School Aid Act (ESAA) programs, the consensus of Board members queried seems to be that these various federal programs have been beneficial and are needed by the children in the school district. There is little controversy over the Title I and Bilingual Education programs, with the Board allowing the administration staff to develop and submit the applications for these program funds without a vote of approval from the Board. One Board member interviewed explained that, while the Title I program does not receive much attention in the community now, except from parents whose children participate in the program, at one time Title I has aroused some opposition in Corpus Christi. This occurred when the desegregation suit was first being litigated, and it became publicized that many schools in disadvantaged areas had better equipment and supplies because of Title I funds than schools in wealthier areas of the district. Parents of children in the "better" neighborhood schools were surprised and questioned the nature of the Title I program. Yet, for several years now the Title I program has ceased to be controversial, and the Board does not devote much attention, if any, to Title I matters. Board members expressed the view that the Title I program had helped to raise the self-image of the economically-disadvantaged students. One Board member, however, expressed the view that funds should go to all educationally disadvantaged students and not just be targeted toward the economically disadvantaged student; in other words, the federal government should broaden its guidelines to allow all educationally needy students to be served by the program.

In regard to bilingual education, Board members questioned do not seem to be involved at all in the development of the program, leaving the funding application tasks and decisions entirely in the hands of the administration staff. However, one member of the Board did offer the view that bilingual education was one of the school district's most pressing problems since so many children in Corpus Christi were handicapped by their non-English speaking home environment.

Desegregation seems to be the issue which has been the overriding concern of the School Board in the past few years. The Board has played a key role in the development of desegregation plans to present to District Court Judge Owen Cox throughout the eight years the court battle has been going forward. When possible, the Board seems to have resisted any far-reaching integration efforts, reflecting wide sentiment in the community against massive busing. Now that elementary and junior high school desegregation plans are in effect, Board members also agree with the belief of many administrators, teachers, and community members that the present elementary school computer desegregation plan is unduly cumbersome and bizarre. Thus, there is much support for a more traditional desegregation plan, and indeed, the Board has adopted a proposal to petition the Judge for a pairing plan to replace the computer plan in the elementary schools next year.

The resistance of some community members to busing has had its impact on some Board actions concerning the use of federal funds - in particular regarding support for the ESAA program. In August 1976, the School Board turned down an application prepared by the school administration for $378,000 in discretionary ESAA funds to help implement junior high desegregation because of protests to the application at a School Board meeting by a group of vocal community members and parents organized to resist desegregation efforts. These community members associated acceptance of more ESAA funds with more federal control over the school system with respect to desegregation efforts. In other words, it was their view that ESAA funds would bring on additional federal strings and intervention in favor of busing in Corpus Christi. Feelings were running high at that point as desegregation had just been implemented in elementary schools the year before and was to be started in the junior highs that fall.

The Board, caught unprepared by the opposition of citizens appearing at the meeting and the absence of proponents speaking out for the ESAA application, surprised the administration and voted to turn down the ESAA application by a vote of 3-1 with 2 abstentions. The Board had approved the ESAA application of the previous February by a 6-0 vote. Some School Board members claimed that they voted against the ESAA application in August because they were not given enough time to adequately review its contents and were not involved in its development. However, it seems to be the view of others that both the administration and Board were caught off guard by the community opposition present at the Board meeting, and the Board thus felt it politically necessary at the time to veto the application. Therefore, when beginning to prepare its regular ESAA application in the fall of 1976 for funding during the 1977-78 school year,

the administration staff took extreme care to safeguard against another costly Board veto. By seeking to avoid the accusation that the Board was not involved in proposal development, school administrators kept Board members advised on tentative programs which they were planning to include in the application. Also, support for the ESAA application was organized by the administration staff and Board before the meeting on the ESAA application in January, 1977, to counteract any community groups that might again protest the application. Consequently, in January, 1977, the Board approved the application for ESAA funds although members did make some changes in the proposal, including deletion of a proposal for an evaluation of the ESAA program. As one School Board member explained, he did not feel the evaluation would be beneficial but, rather, feared it would only serve to inflame anti-busing sentiment in the community. As noted, the Board does not concern itself with the administration's Title I and Title VII applications. Only the ESAA program commands the attention of the School Board. The ESAA program is afforded this attention only because it has been construed as a political matter in the eyes of the community.

Board members, when asked whether they would prefer bloc grants to the categorical grants now used in the distribution of federal educational funds, expressed a preference for maintaining categorical programs. They also felt, however, that some local discretionary authority over these funds would also be wise to deal with the varying needs of different communities. One member stated that he would like to see more federal funds used to lower student-teacher ratios rather than for buying so much equipment. On the whole, it seems to be the consensus that some federal guidelines are necessary to ensure that funds are targeted for worthwhile projects.

Finally, Board members did not have any interaction with federal officials in the Office of Education or in the Office of Civil Rights, either in Washington or in the Dallas regional offices. Rather, members were oriented more toward the actions of the Texas Education Agency. For example, one Board member felt that the Texas Education Agency is too concerned with the needs of the rural districts in the State of Texas and that not enough attention and emphasis is being given to the larger school districts such as Corpus Christi.

School Administrators

The Board and school district administrators generally maintain solid and close working ties, although much of the leadership in the Corpus Christi school district is supplied by the controversial Superintendent. Administration staff

working with Title I, Title VII Bilingual, and ESAA have a commitment to the value of the programs. Some point out the economic as well as educational benefits federal funds have brought to the community. The view is often expressed among the federal programs staff that if federally-financed programs only keep children from falling further behind their peers in relative achievement, then progress is being made even though test scores may not improve substantially.

Like the Board, school administration staff under the Superintendent's direction do not have a propensity to initiate radical change, but rather prefer an incremental, cautious approach to school policy decisions.

Community Groups

The community itself has a number of relatively active groups which participate on advisory committees to school administrators and which also speak out on other major issues in Corpus Christi. The community traditionally has been politically dominated by the Anglo residents and organizations. The Mexican-American population has in the past been politically apathetic. However, there is a growing political awareness among Mexican-American residents in Corpus Christi and presently a number of Mexican-American groups have been quite vocal. Indeed, it was a Mexican-American member of the community who origianlly initiated the desegregation suit. Groups such as GI Forum, LULAC, and MALDEF operate now on behalf of Mexican-American interests.

Black organizations in the community include the NAACP and HIALCO; however, since Blacks are only about 6% of the population, the Black organizations are not as important a force in Corpus Christi as in some other communities.

Concerned Neighbors and "Mothers" have been two visible anti-busing organizations within the community. Concerned Neighbors has especially wielded influence in political affairs, with some members of the School Board also belonging to the group. As previously mentioned, one school board member campaigned as a representative of the Concerned Neighbors and was elected to office. While vocal, some would question just how much of the total community the anti-busing group actually represents. Now that desegregation of the elementary and junior high schools has been implemented and the senior high school desegregation plan is being developed, the organization's influence is not perceived to be as influential as when a desegregation plan was about to be implemented.

Other traditionally active groups such as the PTA and the more liberal League of Women Voters also express an

interest in school affairs through participation on various advisory committees in the school district.

The local newspaper, the Corpus Christi Caller-Times, is also an important community influence. The newspaper has played an important role through its careful reporting on education issues and desegregation activities of the school district.

Advisory Committees

Both Title I and Title VII Bilingual programs have parent advisory committees, but they are not very active and have little input into or interest in their respective programs within the Corpus Christi school district. Most of the parents on the committees are in a lower socioeconomic bracket and often do not have the background, time or resources to meaningfully participate. Indeed, some Corpus Christi school administrators have expressed concern about the time required for training of parents on the committees in proper committee procedures. Some staff members stated that the major value of parent advisory committees is that the parents become interested in their children's education for the first time.

The ESAA advisory committee is different in its nature and thus in its ability to function effectively. Its 15 members are representatives of community groups, students, teachers and parents. There are an equal number of Blacks, Mexican-Americans, and Anglos, in accordance with federal requirements. The ESAA advisory committee in Corpus Christi was reorganized in late 1976. While the previous committee was not very active, the newly-organized committee, led by a vigorous chairman, is more inclined to both desire and demand a real involvement in the ESAA program. The chairman of the advisory committee is a Mexican-American Baptist minister who is very concerned that the advisory committee be given the opportunity for actual input into the ESAA program proposals as they are being developed by administrators. The committee also appears to be striving toward actual evaluation of current ESAA program activities to enhance the value and substance of their input into the administration's program development.

The Superintendent has appointed a desegregation advisory committee to keep him informed on the desegregation program. This committee has members representing teachers, students and community groups. Although the advisory committee does not have any legislatively mandated powers, it does serve to keep the Superintendent appraised of any problems developing with the desegregation efforts.

DESEGREGATION

History

Actions involving the desegregation of Corpus Christi schools began on July 22, 1968, when Jose Cisneros and 25 other Mexican-American and Black members of the United Steel Workers of America Union, Local 5022, filed suit in Federal District Court against the Corpus Christi Independent School District, claiming that a segregated school system was in operation. However, it was to be eight years and many court battles later before the elementary school desegregation order went into effect.

Trial began before U.S. District Court Judge Woodrow Seals on May 14, 1970. The case was a landmark one in that on June 4, 1970, the District Court found that Mexican-American students were an identifiable, ethnic-minority class protected by the 1954 Brown decision. Judge Seals entered a partial final judgment that held that the district had operated a dual school system and had engaged in de jure acts of segregation.

On July 2, 1971, Judge Seals entered a final judgment and issued a memorandum opinion which spelled out a desegregation plan for the district which was to be put into effect by the beginning of the 1971-72 school year. The school district subsequently requested that the Court allow additional time to implement the plan. (U.S. District Judge Owen Cox in the meantime had replaced Judge Seals on the case.) Judge Cox granted the district a one-year stay of full implementation of the plan; however, on the day this was issued the school district also filed notice that it was going to appeal Judge Seals' final judgment. Plaintiffs also filed notice on July 23, 1971, that they would appeal to the Fifth U.S. Circuit Court of Appeals, requesting that Judge Cox's stay of the desegregation plan implementation be overturned. The Court of Appeals ruled in favor of the plaintiffs, and thus the district was once again under court order to put a desegregation plan into effect by the first day of the upcoming 1971-72 school year. The Court of Appeals refused to reconsider the district's request.

On August 11, 1971, the school district appealed to the Supreme Court to seek a stay in the implementation of the desegregation plan. On August 20, 1971, Supreme Court Justice Hugo Black granted a stay to be effective until such time as the U.S. Fifth Circuit Court of Appeals or the Supreme Court ruled on the merits of the entire case. In April, 1972, the Court of Appeals enjoined the district from any construction or renovation of schools even though a bond election that year had provided funds for this purpose.

The Court of Appeals then finally ruled against the school district and ordered a new desegregation plan. After this decision, Judge Cox, on August 23, 1972, issued an order that the district produce a "skeleton" desegregation plan by September 15.

At the end of October, 1972, the school district petitioned the Supreme Court to review the case. Meanwhile the district had on September 15 submitted a student reassignment plan to the Court which also included the closing of one junior high school. The plaintiffs were not in favor of the plan; however, Judge Cox did not reject the plan until May, 1973, at which time he also ordered the district to produce a new plan.

The district did submit another plan on June 11, 1973. This time the district's proposal included boundary changes, a revision of transfer policy, and the closing of a junior high school. One June 25, 1973, the U.S. Supreme Court turned down the appeal by the school district for a review of their case, thus finally making desegregation a reality for the school district. The district would subsequently have to work out an acceptable plan with the District Court.

On August 15, Judge Cox approved the district's June 11, 1973, plan on a temporary basis despite objections by plaintiffs that the proposed plan would still continue the dual neighborhood school system and that minority students would, in some cases, still be isolated.

On December 5, 1973, Judge Cox rejected a large portion of the June 11 plan which the school district had submitted and which he had temporarily approved in August. He ordered the school district to go ahead with the implementation of a policy whereby ethnic transfers would be encouraged and also to provide transportation for such transferees to schools which were more than two miles from their homes - i.e., a voluntary transfer plan.

In the summer months after the 1973-74 school year, plaintiffs maintained to the Court that the voluntary transfer system of majority to minority transfers was not working adequately enough. After studying the matter, in November, 1974, Judge Cox subsequently announced his view that the voluntary plan had not been successful and advised the school district that they were to come up with a new plan.

In March, 1975, the Judge gave the school district the guideline that their plan should try to attain a combined Mexican-American and Black student population of from 25 to 75% at all schools. After this announcement, the School Board then submitted a plan for elementary schools to the

Court, calling for pairing of 17 elementary schools, busing around 14% of the elementary students for two of their six years in grades 1 through 6 and closing two elementary schools. The School Board member Vasquez submitted a minority report from the Board calling for exchange of students from the Anglo southside with a number of minority westside schools by a lottery system.

The U.S. Justice Department and plaintiffs objected to the School Board's plan on the grounds that it did not include all of the segregated elementary schools; plaintiffs also criticized the fact that junior and senior high desegregation had been delayed.

On May 5, 1975, the School Board's plan went on trial in District Court. On May 7, 1975, Judge Cox ruled that the district would have two weeks to revise its desegregation plans for the inclusion of additional elementary schools. He approved a plan submitted by the Board for reorganizing junior and senior high schools.

On June 11, 1975, to everyone's surprise, Judge Cox announced his intent to implement a new desegregation plan using computerized assignment - a departure from the usual methods of desegregation. The computer plan was based upon the desire to desegregate with a minimum amount of busing and had been suggested by Dr. Joseph Rupp, the county medical examiner and Concerned Neighbors officer.

On July 29, 1975, the Judge ordered that the elementary computerized desegregation plan be put into effect for the 1975-76 school year. The School Board then voted to request the Court to consider another pairing plan and to delay implementation of any desegregation proposal until December so that the district would be able to buy buses. Judge Cox turned down the district's request.

On August 4, 1975, Judge Cox, in response to criticism concerning certain aspects of the plan, modified it somewhat. A lottery system was then instituted to determine which students would be bused when computer assignments did not totally meet the court-imposed 75% majority to 25% minority enrollment requirement. The lottery system rotates among students so that a student or another member of the same family does not have to be bused in consecutive years or to be bused until all other students have participated.

In 1975, the plan went into effect for the 1975-76 school year. After two years under the computer-lottery plan, the School Board, in March, 1977, voted to request the Court to consider a new pairing assignment plan for elementary school students. Thus, the district hopes to return to geographical attendance areas.

Implementation

At present, out of approximately 19,000 elementary school students, 10,000 are displaced from their neighborhood schools while only 1800 are actually bused. The objection of many to the computerized plan is that it does not take into account such items as freeways when trying to assign as many students as possible to schools which would still be within the two-mile walking limit in Texas. (In Texas children must be provided transportation only if they live more than two miles from the school.) Also, many parents are concerned because their children have to walk past their neighborhood school to reach their assigned school which is still within the two-mile walking limit. This has led to a truancy problem in some cases, especially in bad weather. Also, with the rotational lottery system, children are randomly taken from their assigned elementary schools for just one year to fulfill the desegregation requirements and then returned the next year to their previously assigned school. Many parents, teachers, and administrators alike feel that this disrupts the child's social adjustment as well as educational continuity. Some argue that it would be better if the child at least were with the same group of students each year, even if it meant busing year after year.

Another interesting consequence of the plan, and one to which many object, is that schools in many naturally-integrated neighborhoods which fall within the 75/25 court-ordered ethnic guidelines have been broken up and their students scattered among many schools. Thus, there is almost universal dislike by all sides of the computerized busing plan, and the administration as well as many parents and teachers are hoping that the Court will soon allow a revised and more traditional type of desegregation plan to replace the present system.

Although there has been some movement by Anglos to the suburbs (approximately 1600 students were either withdrawn from public schools or transferred to suburbs), there has not been massive "white flight."

Also, contrary to the apprehensions of many because of the highly visible and vocal opposition to the busing plan, there was no violence or conflict in implementation of the first desegregation plan in the elementary schools. A campaign was mounted right before the start of the school year by some citizens and the Chamber of Commerce to urge peaceful integration.

In January, 1976, Judge Cox mandated that the desegregation plan be extended into the junior high schools. Plans were passed back and forth between the School Board and the

Court, along with input from the plaintiffs, as had been the case in the elementary desegregation plan development. The plan finally approved by Judge Cox ordered the district to integrate five junior high schools, closing another. This plan involved busing of about 1400 students.

Integration, again, was peaceful, although school officials seem to feel that discipline problems in the junior high schools have increased as a result of the desegregation process. In contrast, almost no problems discipline-wise have occurred in the elementary schools.

With respect to the status of developing an acceptable plan for high school desegregation in Corpus Christi, the Board voted on a proposal to present to the Court late in March, 1977. This proposal involves changing attendance boundaries for three high schools plus reliance upon majority to minority voluntary transfers.

FEDERAL PROGRAMS

Emergency School Aid Act (ESAA)

Background

Since the district has been under a court-ordered desegregation plan, it has received monies from the federal government under the Emergency School Aid Act of 1972. Although it had previously applied for such funds while implementing its majority to minority transfer desegregation plan, it was turned down because the district's voluntary plan did not qualify under federal guidelines. Since being under court order, however, the district claims it has had no difficulty in qualifying for the ESAA monies. The district received $90,000 in school year 1975-76 in ESAA funds and this year (1976-77) is receiving $282,450 under the Basic Grant Program. (As aforementioned, an application in August, 1976, for $378,000 in discretionary ESAA funds was rejected by the School Board). The district has never applied for funding under either the ESAA Pilot or Bilingual programs.

At present, five programs are being implemented in the elementary schools with ESAA funding. One of the main programs is the teacher renewal center for in-service teacher education. This center's aim is instructing approximately 200 teachers and elementary principals on how to deal with the new situations, new types of students, and individual pupil needs faced in an integrated classroom. The center is equipped to aid reading teachers in grades 2,3 and 6; mathematics teachers in grades 1, 4 and 5 and bilingual teachers in grades K-3.

An instructional facilitator program has also been established with ESAA money whereby five facilitators are employed in elementary schools most affected by the desegregation plan. Their function is to coordinate the instructional programs of children who have been bused so that their education will not be disrupted by a year's move to a new school with a different type of curriculum.

The school district also has eleven so-called "community liaison aides," six of whom are funded through the ESAA program. Their job is to assist in solving any problems incident to the desegregation process in the schools and to facilitate communication between school and home.

There is also a community information program with a staff assistant in the administration's Information Office to gain community support for the desegregation plan.

As alluded to previously, if the ESAA program has any problems in Corpus Christi, they can be attributed to the fact that the federal monies are being tied in with the court-ordered desegregation process by many in the community. Thus, ESAA funds have become a political issue. Indeed, at the January, 1977 public hearing on the proposed 1977-78 ESAA application, approximately 65 people attended - a number which administrators felt was an unusually large turnout.

Now that the school district has had ESAA funding for several school years, administrators are attempting to assess its impact - although the program is still relatively new compared to the Title I and Bilingual Education programs.

Both the Federal Programs Director and the ESAA Program Coordinator in Corpus Christi have the view that the ESAA program's eligibility guidelines are fair and not overly restrictive in nature. The federal programs director approved of the procedure by which competition for the receipt of ESAA funds is weighted in favor of school districts that are under court order to implement a desegregation plan.

Technical assistance in applying for ESAA monies is deemed very good and helpful by the ESAA administrators, although ESAA personnel stated they did not receive any guidelines as to how much they should apply for and what type of programs to stress. However, it appears an informal network is in operation among the school districts in Texas with the largest districts providing cues for other districts as to amount of monies and types of programs. This informal network provides a helpful guide to follow for Corpus Christi program directors when developing their proposals.

At the present time the district receives no feedback from the Office of Education as to why a program may be deleted by it from the district's application. However,

administrators did not seem bothered by this aspect of the application process.

With respect to the application review process, the federal programs director mentioned that he favored the present system of impartial readers reviewing the application as he felt this built in to the system fairness of application assessment. He also felt this helped squelch any chance for favoritism to develop for certain districts.

Corpus Christi ESAA administrators consider the regional office in Dallas of the Office of Education helpful to them if any questions arise during preparation of their application. They characterized their working relationship with the Dallas regional office of HEW as a comfortable one.

Conflicts - Administration

The main problem facing ESAA administrators in Corpus Christi is the short time allotted for the development of the application proposal. Part of the time annually allotted by the federal government also falls over the Christmas vacation period, which effectively cuts the proposal development time by about two weeks. Due to the fact that input is requested or required from many sources - including individual school staff and personnel, district program administrators, the ESAA advisory committee, the School Board, Texas Education Agency, and from citizens at a public hearing - the time constraint is a serious problem. Thus, both the federal programs director and the ESAA program coordinator strongly recommended that the time allotted for proposal development be extended to allow for a less pressured and rushed application preparation process.

Federal programs staff felt there was no necessity to mandate ESAA money to be used to carry on programs for Title I students displaced by busing. The federal programs director stated that the current number of Title I children each year being bused to schools where there is not a Title I program in effect is not sufficient in Corpus Christi to warrant establishing special programs for them with ESAA money. He added that it was felt that such a policy would lead to a dilution of ESAA money's effectiveness. Also, he stated the district's present use of instructional facilitators in the ESAA program maintained Title I students displaced by the lottery busing system for a year and helped insure that the Title I student did not fall behind. Thus, in a sense, displaced Title I students are being helped now by ESAA funds in Corpus Christi.

An additional suggestion for change in federal guidelines came from the ESAA program coordinator with respect to

the federally-mandated makeup of the 15-member ESAA advisory committee into 5 Mexican-American, 5 Black, and 5 Anglo members. Since Corpus Christi now has a student population which is 60% Mexican-American, the coordinator feels that it would be more fair to allow the Mexican-American community to have a proportionate representation on the advisory committee. In other words, the 5-5-5 ratio does not actually represent the Anglo, Black, and Mexican-American ethnic ratios in Corpus Christi as a whole.

In essence, the ESAA program does not conflict with the operation of the Title I or Bilingual programs within the schools as most of ESAA monies are spent on teacher education, instructional facilitators, or community aides. Children are not being taken out of classrooms to participate in any of its programs; there are, therefore, no scheduling conflicts between classroom teachers and special instruction teachers.

Conflicts - Advisory Committees

The chairman of the ESAA Advisory Committee in Corpus Christi envisions a truly participatory role for its members in forming the district's ESAA program. The committee has not been very active in the past and thus may be at odds with the administration in the future in its quest for genuine power over ESAA program decisions.

The school administration presently selects advisory committee members from names submitted from each community organization; those nominated are subject to approval and selection by the administration. It is the feeling of some on the committee that this practice leaves the member selection process open to political influence by the school administration.

As part of the new effort to actively involve all ESAA advisory committee members, the committee meeting time and place has been changed by members. The committee meetings were formerly held in the afternoon at the school administration offices, when not all members could attend. That policy is being revised so that the committee will have a flexible meeting time in the evenings each month. Also, it is being planned to hold meetings of the advisory committee at the facilities where ESAA funds are being used so that the committee can better perceive the actual ESAA programs in effect.

Some committee members feel that the Corpus Christi administration does not, and never will, accept input from the committee. So far, the committee has been handed the ESAA proposal to approve after it has been developed. Also, the ESAA budget never accompanies the proposal, according

to committee members. This year, after the committee had approved the application, certain sections were deleted without the committee's further knowledge or approval. This action has upset some committee members because one omitted provision was highly supported by the committee and dealt with evaluation of the ESAA program in Corpus Christi. The committee hopes to begin now developing suggestions for next year's application, to have meaningful input ready for the administrators.

In conclusion, there appears to be developing a real dilemma in Corpus Christi over the actual role which the advisory committee is designed to play and how much power it should actually be able to wield. The committee itself, made up of representatives of community organizations and teachers as well as parents and students, is more aware of its role than the Title I and Bilingual advisory committees. Because of this, it may develop the capacity, where other committees have not, to perform a valuable advisory function to ESAA administration staff in Corpus Christi.

Title I - ESEA

For the 1976-77 school year the Corpus Christi school district is expending $1,958,777 in total Title I-related funds. Although the Title I program has in past years been dispersed among as many as 22 schools and concentrated in as few as 2 schools, the district now has the program operating in 12 Corpus Christi public elementary schools, with 4 parochial schools also participating. The number of schools currently receiving funds is determined by selection of those elementary schools with the most students qualifying for the free school lunch program. Within these Title I-designated schools, any student who scores below the 31st percentile on a standardized achievement test is eligible to participate in the school's Title I program.

The main thrust of the Title I program in the Corpus Christi schools is for diagnostic reading and math programs, with almost $300,000 being spent on each program. These are competency based, supplemental reading and math programs in which all pupils testing below the 31st percentile, as mentioned, at each grade level, participate.

Three commercial teaching management systems are also engaged - the High Intensity Learning System - Reading (HIR); the High Intensity Learning System - Math (HIM); and Language Arts Model Program (LAMP). Also, there is a Computer Assisted Instruction Program for regular and special education purposes which provides individualized reading, language arts, and mathematics supplementary instruction. Also in effect is an after-school tutor program in reading and math

in which 36 teachers participate for one hour per day. Additionally, funds are used for two pre-kindergarten classes for four-year-olds at two schools; kindergarten aides are provided in Title I schools to supplement ongoing programs; bilingual program teacher aides are made available for state-supported bilingual program classes; and two special teachers are employed to provide language arts instruction in two schools (Look-Listen-Learn Program). Finally, there is a Parent/Child Toy Lending Library Program designed to provide training for parents to help pre-school children to develop specific skills. Corpus Christi uses all Title I funds in the elementary schools to avoid comparability problems involving State Compensatory Education funds which the district uses in the junior high schools.

The Title I administrators feel that the application forms are beneficial for planning and coordination for the Title I programs and provide assurances that federal program guidelines are followed by personnel. Also the form forces the school districts to justify the programs which they are planning, which administrators feel results in a high quality program under Title I.

Conflicts - Administration

The administration officials dealing with Title I feel that the Title I program and compensatory education in general have been very beneficial to children in the district. If nothing else, Title I helps keep children from falling relatively further behind their peers during the education process. However, the Title I program coordinator expressed the view that the district is limited due to scarce resources, in providing the type of compensatory education it would ideally like to offer. In general the categorical funding concept is favored by Title I personnel as a catalyst for a district's development of programs which it may not have developed on its own. It is felt categorical aid forces attention to be focused upon special groups or educational needs.

The view was also expressed by some Corpus Christi Title I staff that the potential for benefit from Title I compensatory education is mitigated by guidelines targeting aid only to economically disadvantaged students. It was their view that ESEA funds could be additionally advantageous to the education process by their application to all educationally-handicapped students - not just those qualifying because of their socioeconomic status.

School administrators in Title I do not hold the view, as some have suggested, that desegregation in itself is enough compensation for a student - in other words, desegregation

does not eliminate the need for specialized compensatory education programs. Since Title I funds are funnelled through the state education agencies - in this case the Texas Education Agency - the school administrators have not developed any relationships with federal program administrators. They do have an excellent working relationship with and a high regard for the Texas Education Agency, however, and feel it to be a valuable source of assistance and information.

The Title I coordinator also feels that ESAA funds should not be used to operate Title I programs for those Title I students displaced for one year by busing. The coordinator noted that ESAA instructional facilitators were used to provide individual attention to the Title I students' curriculum needs during the time they were away from regular school.

Desegregation does have an effect, however, on Title I planning in Corpus Christi. Due to the nature of the Corpus Christi busing plan, those to participate in the busing for the following school term are not selected by the lottery until fairly close to the start of the next school year. Thus, it is difficult for administrative personnel to plan in advance for the numbers who actually will be participating in Title I programs in each school where a program will be operating.

Title I does tend to conflict in the classroom with other compensatory education programs. Thus, administrators are often faced with scheduling conflicts between programs as well as complaints from classroom teachers who resent their students being pulled out of the classroom to participate in compensatory programs.

In summary, the Title I program seems to operate well in Corpus Christi. The district receives much valuable assistance from the Texas Education Agency in dealing with problems which arise. This support helps maintain the program's continuing smooth operation. If federal guidelines have interfered it is through the desegregation process which, because of Corpus Christi's unique plan, disrupts the Title I planning efforts.

Conflict - Advisory Committee

Relations between Title I administrators and parent advisory committee members are smooth, mainly, it appears, because the parent advisory committee is not very active in either advising school district personnel or in initiating actions on its own. Administrators see much of their relationship with the parent advisory committee as an educational and guidance process rather than as a consulting, working relationship.

Administrators were opposed to the idea of consolidation of parent advisory committees for all federal education programs. They feel the programs are too complex; it would be difficult to have one committee understanding and advising administrators on all programs. As each program functions in a different manner and affects different types of people, administrators felt it would be hard to integrate their advisory committees into one effective working group.

Bilingual Education - Title VII

Background

In the past, Corpus Christi's bilingual program has been singled out as a model one. Indeed, Corpus Christi has a large task to fulfill because of the many students in its schools with limited or no English-speaking ability.

The Corpus Christi school district presently has a Title VII Bilingual Education program entitled "Apprehdemos en Dos Idiomas" in operation in four of its elementary schools within the district and in one parochial school. This program was approved in 1975 and runs for three years, to 1977. For the 1976-77 school year, the district received $147,643 to operate the Title VII instruction program.

It is estimated that the Title VII program serves approximately 570 students in selected classes in grades K-2. One project director, one consultant and four diagnostic teachers are involved in implementation of the program. According to the district's application, the diagnostic teachers' function is to assist the Title VII classroom teachers in implementing the bilingual-bicultural program to the participating students with emphasis upon the language arts and mathematics areas.

The instructional component of the bilingual program has five major areas which are taught in English and Spanish: 1) aural-oral development, 2) reading, 3) computation, 4) culture and heritage of both cultures, and 5) self-concept. Language arts, mathematics and social studies are the main areas of bilingual instruction in Corpus Christi's program.

Parents are involved in the program as volunteer teacher aides in the classroom. A Parent Tutorial Program is also in operation to train parents in the performance of various activities involving assistance in the schools. A Toy Lending Library is also in use through this program to aid parents in preparing their children for school.

Another phase of the program brings to the classroom prominent Mexican-American members of the community from all professions to provide role models for the children.

Besides federal bilingual monies, the district also receives substantial bilingual education funds from the State of Texas.

Federal officials have not officially found Corpus Christi out of compliance with the Lau remedies. Because of the military installations and port facilities, Corpus Christi has many children in its schools with foreign backgrounds and English as a second language, although not in as great a number as the Spanish-speaking population. It has been estimated that the district, if compelled to strictly follow the Office of Education guidelines promulgated in light of the Lau decision, would have to offer as many as 30 additional bilingual programs. The district feels its present program is sufficiently comprehensive and that to try implementation of a bilingual program for 30 foreign-speaking groups would be a financial impossibility.

The district would thus prefer to adhere to State bilingual guidelines and not be required to offer a program designed upon the Lau model. District personnel stated that they hoped the State bilingual regulations would be approved by OE as a program comparable to Lau and thus as an acceptable substitute for the Lau model. However, according to Dr. Jose Cardenas, Director of the Intercultural Development Research Association, no state plan has ever been approved as an alternate to the Lau model. The Texas plan is a minimum, transitional plan only requiring bilingual education in grades K-3 - requirements far from the Lau model. In Texas, there are also many students of limited English speaking ability who pass the fairly easy state-required test and therefore do not qualify for state bilingual education programs, but who are still culturally disadvantaged and in need of bilingual-bicultural instruction. These students are not now being served under the State bilingual program.

The Corpus Christi School District recently completed an OE-requested survey to determine the number of non-English speaking or limited English-speaking ability students in Corpus Christi schools. Thus, the nature of its bilingual program as it relates to the Lau decision may be a matter to resolve with the Office of Education in the near future.

Conflicts - Administration

One problem now facing Corpus bilingual program administrators is the determination of those students eligible for bilingual programs. State bilingual guidelines are more restrictive, with State eligibility determined by scores below a certain level on a test. Federal guidelines are broader, not dependent upon test scores. Thus some students are served with federal bilingual education program funds who do

not qualify under State guidelines. The program administrator offered the view that it might be helpful if the two could be coordinated to include the same students.

An interest was also expressed in having federal bilingual funds funnelled through the Texas Education Agency as they are in the case of Title I funds. Partially because of distance, local administrators find dealing with the Office of Education in Washington a difficult and often slow process. It is much easier to communicate with state officials than to travel or phone Washington. Corpus Christi school administrators have a close working relationship with TEA officials and feel it much simpler to get information and feedback through the state agency than the Office of Education. Also, they believe that TEA has a better understanding of the district's situation and particular problems.

School officials further state that the Office of Education gives them no helpful feedback on the criteria used in deciding upon the amount of funds to apply for each year. They also complain that the Office of Education expects them to implement each of the proposals in their bilingual funding application although the amount of funds requested by the district were cut substantially. The final funds negotiation process between the school district and Office of Education staff is perceived by bilingual administrators as an unpleasant one. This is due in large part to the uncertainty each year accompanying OE's decision on how much of the district's request to actually fund. The Office of Education annually advised Corpus Christi that there are not enough funds allotted to their region and therefore they cannot adequately fund the district's request.

On the other hand, the school officials felt that the Texas Education Agency has valuable access to channels in Washington and provides them with much needed information concerning at least what types of programs the Office of Education will be stressing each year. The TEA relays this information on to the district, so it does get some feedback in the application process. This feedback further adds to the district's dependence upon TEA rather than OE help.

There also seems to be a problem confronting Corpus Christi federal program administrators because of what they perceive as a difference in objectives between state and federal bilingual education programs. It is their feeling that the federal government will be focusing on maintenance-type programs while the state continues to require that the district's monies be used on transitional programs. Thus administrators stated they may lose federal funding if they continue to implement the completely transitional program in Corpus Christi which they prefer.

Another area where a problem has developed is with proposal development time. In one particular case, the government was very late in publishing guidelines in the Federal Register regarding the bilingual grant application process and also tardy in sending out applications to school districts. The district had approximately a month to prepare its application. Administrators feel that the Office of Education should allow at least a reasonable time to develop a comprehensive, accurate, and meaningful application without undue pressure or time constraints.

Desegregation has also affected the bilingual program in Corpus Christi by dispersing students needing bilingual education among various schools. As one bilingual staff person commented, the desegregation court order "hit us hard." The school district has previously identified children at each campus qualifying for the various bilingual programs. The court order dispersed these children among many campuses. Additionally, the lottery every year changes the number eligible for the programs in any one school where the bilingual program is implemented. Thus, planning is made very difficult for bilingual staff as is also the case for Title I administrators.

However, the bilingual program director noted that the benefits of desegregation itself offset in many ways the negative results of dispersal of students in need of bilingual education. He felt that any desegregation plan structured around noninterruption of federal programs such as bilingual education would only lead to resegregation of students.

Conflict - Advisory Committee

The parent advisory committee for Title VII appears to have a somewhat active membership although many of the parents are, as in the Corpus Christi Title I parent advisory committee's case, of a lower socioeconomic status, so that quite often parents are not able to devote much time toward active committee participation.

The district informs the parent advisory committee concerning actions taken in the bilingual program. It appears that the committee goes along with what the administration adds or deletes from a bilingual proposal without serious question or challenge. The chairperson of the bilingual committee sees the committee, however, as having input to administrators. Perhaps it can be said that the committee's most valuable function is as a channel of communication from parents to administrators on potential problems relating to the program. Parents are encouraged to attend the monthly meetings, although attendance is not very high.

The head of the bilingual program in the school district was amenable to the suggestion of a consolidated parent advisory committee for all federal programs in the district. It was his feeling that many of the same parents have children affected by all three programs (Title I, Bilingual, and ESAA) and that the number of meetings held served only to diminish the interest of parents in the programs. Thus, more parental interest and participation would be generated by trimming the number of required meetings.

The bilingual parent advisory committee chairperson stated that bilingual education is accepted by the community and has increased the pride of many Mexican-Americans. Although many parents had felt bilingual education would only confuse the children, she went on to state that parents were finding instead that bilingual education was helping their children retain the Spanish language and was improving their educational achievement.

CONCLUSIONS

In Corpus Christi, the Title I, Title VII-Bilingual, and ESAA federal programs are generally operating with relatively few major obstacles. There are, however, some problems with the federal programs that pose difficulties for local school administrators. For example, adequate time for proposal development and the role of the advisory committees can be said to be recurring trouble areas among the programs. Another related impediment to effective functioning of the federal programs is the present elementary computer-lottery desegregation plan which disrupts planning and coordination processes by shifting different students each year. On the other hand, many are pleased that desegregation is now being achieved in the Corpus Christi community and resolution of some problems inherent to the plan may be only a matter of adequate time for adjustment to the process.

APPENDIX G

OAKLAND CASE STUDY

Oakland, California, incorporated in 1852, is located 10 miles east of San Francisco via the San Francisco/Oakland Bay Bridge. A first impression of Oakland is that it is merely a part of a larger entity. One has a sense of being in San Francisco and Berkeley as well as in Oakland. The economic structure of the metropolitan area expands and substantiates this feeling. The metropolitan area (Alameda County) extends for 23 miles along the San Francisco Bay, eastward to the San Joaquin Valley, consisting of an almost unbroken chain of factories, waterfront industries, commercial trading centers and residences. The economy of each metropolis is part of and dependent on the other.

Oakland is the county seat of Alameda County. Alameda County is the second largest county in Northern California and has a total population of 1,086,600.

Oakland's population of 361,561 is an extremely diverse mixture of ethnic groups. A comparison of the census figures dramatizes the population growth and shifts in ethnic composition. In 1940 there were 8,642 Blacks living in Oakland. In 1960 there were 83,618. Between 1950 and 1960, 53,000 Whites left the area, and 36,000 Blacks arrived. Between 1960 and 1970, ethnic groups increased in percentage of the total population as the White population decreased. The Black population increased by 49% , the Chinese by 48%, Japanese by 9%, and Filipinos by 21%, and the Chicanos by 49%. During this ten year period the White population decreased by 21% and the Non-White population increased from 26 to 41%. The trend toward a greater minority population is expected to continue. At present, Oakland is 52% Anglo, 31% Black, 10% Brown, and 7% other ethnic groups. The overall population decreased by 1.6% between 1960 and 1970. It is expected to remain fairly stable in the foreseeable future (to 1985), fluctuating between 350,000 and 375,000.

There is an aura of growth and prosperity in the city. The $150 million Oakland-Alameda County Coliseum Complex, a fairly new museum, large golf courses, new shops, restaurants, and public buildings and the modern Bay Area rapid transit system indicate prosperity. However, there are signs that Oakland's civic shine represents an urgent effort to attain affluence as much as it is evidence of existing affluence.

The need for extensive rehabilitation was revealed as early as 1964 by the Federal Area Redevelopment Agency's designation of Oakland as a depressed area. At the time,

Oakland was the only urban area west of the Mississippi River to have this unfortunate distinction. A high rate of unemployment of 11 percent in 1964, with more than 20 percent for the Non-White work force, was cited as proof of depression. The present unemployment rate is about a third higher than the national rate, 8.5% for females, due to the high unemployment rate of minorities.

Efforts to turn the tide of economic depression have led to the city's determination to refurbish, build anew, and go on from there. Oakland taxpayers support the economic principle of spending money to earn money. Thus, city and county levies combine to make Oakland's tax rate the highest in Alameda County. On the other hand, the percent of families in Oakland who had incomes below the federal poverty level was 12.2% in 1970, while for Alameda County it was 8.1%.

An interesting characteristic of Oakland, with economic, social, educational, and psychological significance, is the "flat land versus the hills" phenomenon. "Upward" mobility in Oakland is quite literal. Success in Oakland is to move up not just the ladder of promotion and profit, but away from the waterfront and adjacent flat hills, to better housing, less crowded neighborhoods, and, as many contend, better schools.

LOCAL POLITICS

Oakland city government is based on the council-manager form, under which the city council is supposed to formulate policy and the city manager is supposed to administer that policy. Oakland's nine council members are elected on an at-large basis. The mayor, who is elected separately, is one of nine council persons. The council members are not intended to serve full time at their jobs; the city manager, in constrast, in enjoined by the charter "to devote his entire time to the duties and interests of the city." Salary levels underscore this difference. The mayor earns only $7,500 and each councilperson earns $3,600 a year, but the city manager's salary is over $40,000 annually.

The city manager is given considerable leeway to run the city. This is primarily due to the fact that the manager has the staff and informational resources of city departments at his or her disposal. As a result, the manager tends to know more than anyone else about city government structure, processes, and substantive policy. The nature of Oakland's political system also adds to the city manager strength. Until recently, the lack of politically oriented interest groups and party activity in local elections meant that leaders or potential leaders have been deprived of a source of both information about and support for public policies they might

wish to propose. The mayor's election of 1977 indicates a new swing in Oakland's politics.

Oakland has been a center for radical groups such as the Black Panthers and the Symbionese Liberation Arma (SLA). Former Panther leader Bobby Seale made an abortive bid for mayor in 1972. In 1973, the SLA assasinated Marcus Foster, the OUSD superintendent. Radical groups have played a role in local elections and leaders of the Black Panthers participated actively in the last election.

OAKLAND UNIFIED SCHOOL DISTRICT

More than 56,000 students attend public schools in Oakland. Of these, about 53,000 are enrolled in elementary and secondary schools organized in a plan which groups grades K-6, 7-9, and 10-12. The rest are in adult and evening classes. The Oakland Unified School District (OUSD) is under the jurisdiction of an elected seven-member Board of Education.

The district was decentralized in 1970 to bring the administration closer to the schools. Three regions of approximately thirty schools and 18,000 students each were formed - three Regional Associate Superintendents direct operations of the regions. In addition, three divisions, Educational Development and Services; Planning, Personnel, and Research; and Management Systems, provide support services to the regional administration and school sites. Subsequently, under Dr. Love, three regions became two areas and the three internal divisions were collapsed to two.

The district maintains 65 elementary schools, fifteen 7-9 junior high schools, six 10-12 senior high schools, two opportunity continuation high schools, an adult center, three major evening adult schools, one development center for handicapped minors, and 21 children's centers as well as several alternative schools. Included in the totals are special schools for the physically handicapped, the trainable mentally retarded, and the deaf and hard-of-hearing. The average daily attendance in the district is and has been declining over the last decade and this trend is expected to continue but at a reduced rate.

The latest ethnic survey indicates a student population of 66% Black, 5.4% Asian, 7.8% Chicano, 1.5% Filipino, .9% Native American and 18.4% other White. About 40% of the students are from homes receiving public assistance.

The Oakland schools employ about 3,400 certified employees and approximately 2,100 classified employees for a total of

5,500 full-time staff. In addition, the district employs approximately 1,500 persons part-time. The latest ethnic survey indicates an employee population of approximately 40% Black, 4.3% Spanish surname, 4.8% Asian, and 49.3% other White. Oakland has been a leader in the State in recruiting minority employees. The Oakland Education Association represents the teachers under the new State collective bargaining law. Calssified employees are represented by the Oakland School Employees Association and six other labor and professional organizations.

The total district revenue for 1975-76 was $1.7 million. The revenue total represents a 4.2% carryover from the 74-75 budget, 10.5% federal income, 28.1% state income, and 57.2% local income. The latest estimate of 1975-76 expenditures shows 79.4% of the budget was for salaries and fringe benefits, 10.0% for operating expenses, 8.0% for capital outlay and other outgo, and a 2.6% ending balance.

The assessed valuation of the district for 1976-77 is $1.3 billion, which equals $34,040 per pupil K-8 and $74,568 in grades 9-12. This places Oakland slightly above average in local ability to support its schools.

DESEGREGATION: NOT AN ISSUE

The racial composition of the Oakland schools is roughly half Black and half other groups. Many of the immigrants to Oakland have come from rural Southern communities where educational standards and practices are considerably different from Oakland's. Oakland was the first major California school system to have a majority of Black students.

There are great differences in racial composition within individual schools. The schools in which Blacks comprise as much as 75% of the enrollment are in the "flat lands". Racial balance is approached midway to the "hills". The higher the altitude, the greater the percentage of White students in the schools. The majority of schools have at least some representation from most West Coast ethnic groups. Oakland students exhibit a wide range of social and economic backgrounds. There are extremes both between and within schools.

Segregation in public schools is manifest in Oakland; however, desegregation is not an issue. This phenomenon can be explained by several interrelated factors. First, the Blacks are no more interested in integration than the Whites. Second, since the district is predominantly Black and other ethnic groups, it would be difficult to desegregate schools. Third, since Blacks hold some of the key administrative positions in the school system, there is not a distinct adversary

relationship between the district and community leaders which could prompt minority leaders to push for desegregation. Fourth, Black leaders strongly support separatist politics. The fact that radical Black groups such as the Black Panthers got started in Oakland is evidence of the city's strong support for separatist Black politics. Because Oakland has neither litigation concerning segregation nor voluntary desegregation activities, it is not eligible for ESAA funds.

COMMUNITY SUPPORT

Over the past few years, Oakland has moved to develop community involvement opportunities for parents, students and staff alike. The Master Plan Citizens Committee, a major involvement effort involving over 2,000 residents on citywide and school site study groups, has made a number of significant recommendations adopted by the Board of Education. Supported by grants from the Rockefeller, Ford, and San Francisco Foundations, the Master Plan Committee has been examining problems in almost every area of school policy - curriculum, school finance, school buildings, school governance, community resources, and multi-cultural education.

In 1973 there was substantial community opposition to Marcus Foster's (former OUSD superintendent) plan to use a Law Enforcement Assistance Administration pilot program in the public schools. Opponents of the plan characterized it as involving police units patroling the Oakland schools with guns, a photo ID program, and a large scale information effort to identify "problem" students.

Foster's assassination temporarily stopped the program. Subsequent to the assassination, community opposition to the program was curtailed and a pilot program was established.

The district recently established an 86-member commission to examine problems of social vandalism, violence and truancy. The commission includes representation of city agencies and many community groups, as well as employee groups and administrators. The Board of Education also recently approved the establishment of a district-wide Budget Advisory Committee.

Parent Advisory Groups are active in schools supported by Title I, S.B. 90, and various other state and federal compensatory education programs. A healthy PTA and an effective Dad's Club program help create a feeling of optimism and community commitment to the schools.

Lastly, it should be noted that there is now community involvement in the selection of site principals and many other

administrators. These aspects of the district's involvement effort have significantly improved the relationship between the schools and the community at large.

As community participation in planning and decision making has been established, expectations have risen and pressures have developed for more delegation of, or sharing of, authority with some community groups.

THE OAKLAND BOARD OF EDUCATION

The seven members of the Board of Education are elected by the people of Oakland in regular non-partisan municipal elections held every two years. Each director, as the Board members are officially titled, is elected at large for a four-year term of office. The terms are not concurrent.

Until 1968, the board experienced a very low turnover rate. It was a common practice for incumbent board members who do not plan to seek re-election, to resign several months before an election so that their conservative colleagues could hand pick a new conservative to fill the vacancy. This political tactic gave the newly appointed board member the unique advantage of running for election as an incumbent. Because of this system ov overt political maneuvering, and while elected on a non-partisan basis, Oakland's school board members had been Republican although Democrats were elected to hold other local offices. Since the 1977 elections a liberal majority is now found on the board.

The school board members have little knowledge of Oakland's participation in federal programs. This is because the board generally gives the superintendent a free hand to run the OUSD. When the federal and state compensatory education application reaches the board, the members usually approve it with a minimum of discussion.

The practice of giving the chief administrator a free hand to run the OUSD is a customary practice in Oakland. The city government pattern of a strong administrator is repeated within the school system. The superintendent has access and control over information and district personnel, thus is more aware of OUSD concerns than anyone else.

The present superintendent, Dr. Ruth Love, worked in the Ford Administration as director of the national Right to Read Program, before coming to Oakland. Love was hired by a unanimous decision of the OUSD board members in 1976. During the one year she held the superintendent position, she has maintained a good relationship with the school board and appears to be generally respected by parents, teachers and the community leaders.

TITLE I & S.B. 90 PROGRAMS

The OUSD determines which schools will receive Title I funds on the basis of Aid to Families with Dependent Children (AFDC) and Free Lunch Program data. Secondary data sources include the census and information on infant mortality rates. Over the years, Oakland has made few changes in the data used for determining Title I eligibility.

Program administrators, teachers, principals, and the District Advisory Committee (DAC) work together to determine which schools will participate in Title I programs. The superintendent's cabinet, composed of key administrators, makes final determination as to which schools will participate. The Title I funds are allocated so they serve as many schools as possible. As a result, the OUSD is able to serve the majority of schools with children below the 50 percentile. In addition, by spreading the funds, criticism about participation in Title I programs is minimized.

The OUSD participates in California's Senate Bill 90 program for educationally disadvantaged children. The intent of this program is to provide quality educational opportunities for all children in the California public schools - by differing levels of financial aid to recognize differences in family income, language and transiency.

A combination of three factors are used to determine which California districts receive S.B. 90 funds for educationally disadvantaged youth. The factors considered for each district are 1) percent of bilingual, bicultural pupils, 2) family poverty, and 3) pupil transiency.

S.B. 90 and Title I are very easily related since the state guidelines for S.B. 90 are patterned after the federal Title I regulations. In Oakland, Title I funds are used primarily to supplement S.B. 90 programs.

For the 1976-77 school year, OUSD received $4,344,732 in Title I funds for compensatory education; these funds were used in elementary and junior high target area schools, with $18,320 used for two special projects. The district received an additional $4,783,931 through the S.B. 90 program. Approximately 20,750 disadvantaged children are served through these two programs. OUSD officials desire additional funds so they can provide compensatory education programs to more of their students.

Oakland uses a variety of methods to evaluate its Title I programs, including program monitoring, staff questionnaires, and standardized tests. OUSD has tried to deviate from outcome reporting and thus utilizes administrative analyses and

administrative recommendations as well as test results. The evaluation plan seeks to verify program successes in meeting objectives as well as to identify areas and elements in need of improvement. Major emphasis is placed on the instructional components of language development, reading, math and multicultural education.

The major goal of Title I and S.B. 90 is the improvement of achievement in reading, language development and mathematics to reflect a normal range and distribution of academic achievement as measured by standardized tests. In order for participant achievement levels to reflect the normal range and distribution, academic achievement in reading, language development and math should be greater than one month's progress for each month of participation in the compensatory education program.

OUSD evaluation requirements are fully consistent with those of the state and federal governments. In fact, OUSD does considerably more in evaluating its programs than the law requires.

Oakland has good rapport with federal officials dealing with Title I matters. The district has no major complaints about the application process nor the manner in which the program is administered. No major conflicts between federal programs were cited; however, district officials do feel they could operate more efficiently if federal funds for education were distributed via the bloc grant method.

DISTRICT ADVISORY COMMITTEE (DAC)

The purpose of Oakland's District Advisory Committee is to assist the school district in developing the cooperation and coordination of community resources which may be of value to the schools in the operation of programs under the auspices of the Office of State and Federal Programs and to insure that parents are involved in accordance with State and Federal Compensatory Education guidelines and laws.

The programs under the Office and State and Federal Programs are: Title I, S.B. 90, Early Childhood Education Program, State Preschool Program, Chinese Bilingual Program, and the Native American Program.

The function of the DAC is to give advice and make recommendations regarding the State and Federal Programs in the following areas:

(1) Developing the comprehensive State and Federal Programs' district plan, including establishment of a time-line,
(2) Making a State and Federal Programs' district needs assessment, including the process of school-by-school needs assessment,
(3) Establishing goals and program objectives for State and Federal Programs at the district level,
(4) Developing evaluation criteria for the State and Federal Programs, and evaluating results of previous years' program at the district level,
(5) Participating in selection of schools and the allocation of resources,
(6) Receiving monthly reports and making recommendations regarding the activities of programs under the auspices of the Office of State and Federal Programs,
(7) Assisting in the identification and use of human and material resources available from the community to the State and Federal Programs.

Roughly 160 persons comprise the DAC. The members are elected in accord with the OUSD guidelines; the members choose a chairperson and other officers. The present chairperson has held the position since 1975.

With the exception of several noteworthy dissenters, the chairperson's control of the group is firm. The previous chairperson was one of the dissenters who filed a suit against the OUSD several years ago, alleging that citizens were not given adequate participation in developing the Title I application. The lawyer for the group was appointed to the judiciary and the suit was vacated and is no longer active.

The DAC leaders and OUSD administrators feel citizens are involved in the federal compensatory education programs from the beginning of each program throughout the entire process. But the press and some school board members imply that the DAC is more of a coopted group and has little substantive input into the major decisions affecting OUSD policies.

BILINGUAL/BICULTURAL

The Oakland Unified School District is committed to bilingual/bicultural education through a formal statement.

Funds for bilingual programs are from local, state, and federal sources. The district received its first ESEA Title VII funding in 1972; it currently receives more than $450,000

in Title VII funds. An equal amount of state funds are received; the district funds central office staff through local funds. Title I, S.B. 90, and Early Childhood Funds are used to support elements of bilingual programs in some schools. Each Title I school has a plan to meet the educational needs of students identified as limited or non-English speaking (LESA) children. Indications are that $10,000 in local funds and $387,055 in federal grants are used to serve 995 children this way.

California has been operating under A.B. 2284 since 1972. That law was permissive in that any district with 10 or more LESA children had to identify the needs of those children, but was not required to develop programs for them. Only if the district applied for the funds was it required to provide programs to meet the needs of those children identified.

As a result of the Lau v. Nichols case, the California Legislature enacted A.B. 1329, effective September 1977. This requires that every LESA child be identified and served.

The combination of pressure and the determination by OCR that Oakland was out of compliance with Title VI acted as a stimulus to increase efforts to meet the needs of LESA children. Oakland was found out of compliance with Title VI because it did not meet the Lau requirements in two areas:

(1) It did not adequately identify nor properly assess the linguistic needs of students whose primary or home language is other than English,
(2) It did not provide equal educational services to serve the language needs of students who speak little or no English.

Indications are that over 1,500 students that had been identified by OUSD were not receiving any bilingual services.

In an effort to comply with Lau and A.B. 1329, OUSD is attempting to provide services for every child with special language instruction needs by September 1977. A pool of itinerant teachers will go to each school on a regular basis to provide resource help to students in need. A budget request for additional funds for bilingual teachers has been submitted for board approval. In addition, the district will encourage parents to send their children to those schools with special bilingual programs. School officials indicate, however, that parents are reluctant to send their children out of the neighborhoods.

With the passage of A.B. 1329, district officials indicate compliance with Lau will not be a major problem in that the state law actually goes beyond Lau requirements and state funds will be available.

In the past, bilingual education was not a major priority for the OUSD. However, the need for the program has been recognized and more and more children are being served. However, clear instructional philosophy has not emerged. Some parents are not interested at all in bilingual education for their children; some prefer a transitional approach; while some want a maintenance program.

Oakland's problem is compounded by the fact that fifteen different languages other than English are spoken by students. While most of these students speak either Spanish or Chinese, the district must provide instructional services for the children in the other language groups as well. It is difficult to find instructional materials and staff for such diversified needs.

Lack of funds does not appear to be the major problem in meeting this need. District officials have indicated that Title VII and state funds are available. Rather, the problem is lack of instructional resources.

Bilingual proposals are developed primarily by the district staff with input from parent advisory groups. Separate proposals are developed for Spanish, Chinese, and Native American Bilingual Programs. Proposal development and community involvement have apparently not caused any major problems in the district.

Until the OCR compliance activity involving Lau, the district had few problems with federal officials. Officials report that they have many sources of information within OCR and OE and are able to contact the appropriate people when necessary.

APPENDIX H

MONTGOMERY COUNTY CASE STUDY

Montgomery County, Maryland is one of the wealthiest counties in the nation. Its population, currently numbering 522,809, contains a mix of people, including highly educated scientists, government officials, farmers, Whites, Blacks, and Browns. In 1970, the ethnic breakdown was 495,234 White, 21,345 Black, and 3% of Spanish heritage. Since 1970, however, there has been an increase in the number of Blacks and Browns living in the area. The median income is $16,708, with unemployment at 2%.

SCHOOL ADMINISTRATION, BOARD, AND COMMUNITY

Montgomery County has 199 schools that are administered as a single school system. One of the largest in the nation, the school district is organized into six geographic regions, each of which is presided over by an assistant superintendent. The school administration staff is highly qualified and has developed several model educational programs.

The school board, likewise, is sophisticated and extremely active. Its seven members are elected for four year terms. Their duties include establishing policy for the Montgomery County school district, and acting upon the superintendent's recommendations. The board is always extremely well-informed, and members take their jobs seriously.

During the past two years, the board has been deeply involved with controversies concerning voluntary desegregation. The decision to adopt the policy of voluntary desegregation was a closely divided 4-3 vote. Recently, 3 new board members were elected and one of the new members is opposed to busing. Thus the fate of the voluntary desegregation policy is uncertain.

DESEGREGATION

Desegregation activity in Montgomery County began in the 1950s. Spurred by the 1954 Brown decision, the school district actively sought integrated schools as early as 1958. The original plan included:

(1) The preparation of a spot map to indicate the residences of all pupils in the schools concerned.

(2) The drawing of new school boundaries (redistricting), based on the location of the children in relation to the schools, ratio of Negro to total pupils not to exceed 1:3, practicality of bus transportation, and best use of school facilities;

(3) Identification of type, capacity, and location of new school facilities necessary to implement the plan;

(4) Description of any special staff requirements necessary for providing an adequate program for pupils in each school after redistricting;

(5) A time schedule for the completion of desegregation in the elementary schools as early as practicable and not later than the fall of 1961.

From 1958 to 1968, Montgomery County experienced few problems; the population was White and fairly affluent (there was only a 3% minority population) and there was no open housing law to change the composition of the community.

In 1967 Montgomery County passed an open housing law, and Blacks began to cross the district line and settle in the Rosemary Hills and Takoma Park areas. In 1972, the superintendent suggested that Rosemary Hills become a model school, but this proposal was rejected by the community, which argued instead that the school needed extra resources. By 1974, the Rosemary Hill area was 68-70% Black. To alleviate this disparity, the school district proposed that the schools in the Rosemary Hills area be paired with the schools in the Chevy Chase area, one of the wealthiest in Montgomery County. Before the plan could be implemented, however, parents in the Rosemary Hill area brought suit. In 1975 HEW investigated the complaint, and ruled that there was no de jure segregation and that the school district had attempted everything conceivable to deal with the problem.

After the complaint was dismissed, the district continued to support the policies of integration. From September 1975 to the present, the school district has implemented a number of options designed to further integration. So far, a total of 28 schools have been involved.

To facilitate the entire process, the board adopted several measures. The first was a series of action steps which were initiated and planned by the superintendent. These were:

(1) The Department of Human Relations with the assis- from the Departments of Information and Adult Education, will establish programs by December 31, 1975, designed to:
   a. Provide information to all citizens of Montgomery County on the progress of implementation of the Action Steps on Minority Relations approved by the Board of Education
   b. Provide for more meaningful two-way communication between the school system and Black parents and community groups

(2) The associate superintendent for administration and the area assistant superintendents have reviewed and will review again periodically with principals the procedures for reporting serious incidents in schools to ensure that all incidents having racial overtones are reported promptly to the Department of Human Relations;

(3) Area assistant superintendents will arrange for the director of the Department of Human Relations to meet periodically with principals in the area to provide information on the services of the department and to see that the department services are used for preventive as well as remedial situations;

(4) The associate superintendent for personnel services, in cooperation with the director of the Department of Human Relations/EEO officer, will continue to give high priority to affirmative action on recruitment, employment, assignment, and promotion of minority staff members in accordance with equal employment opportunity, balanced staffing, and human relations policies and procedures;

(5) A staff committee has been appointed by the superintendent of schools to review the criteria for placement of students in class sections in English and other subjects, and to propose uniform criteria and guidelines for such placement;

(6) The Department of Curriculum and Instruction, DEMAT, and Supplementary Services will continue to develop and implement career education and career planning programs for students at all levels as rapidly as resources permit;

(7) The Department of Curriculum and Instruction, in cooperation with the Department of Pupil and Program Appraisal, will develop units to incorporate test-taking skills into the language arts program in the schools.

To encourage community involvement, the board set up three organizations: the Area Planning Committee (APC), the Local Evaluation Committees (LECs), and the Cluster Evaluation Committees (CECs). The Area Planning Committees were joint citizen and staff committees responsible for analyzing racial and socioeconomic isolation in the entire administrative area and recommending plans that will address these issues to the board. The Local Evaluation Committees were responsible for analyzing the schools in their areas, how they serve the neighborhoods, and how they might fit into the area plan. The Cluster Evaluation Committees were formed to address conditions of isolation in a defined area: these committees provided the most significant community input.

Throughout the entire process, the support of the school district's policies has been tenuous. Although there have been no demonstrations either in the schools or the public meetings, many community members resent the district's plans, and fear that their children's education will suffer as the result of integration. Support by the school board has not been unanimous, and the future policies of the school district regarding integration are uncertain.

FEDERAL PROGRAMS

Compared to its total budget, Montgomery County receives little money from the Title I and ESAA programs. Montgomery County's wealth derives in large part from the Impact Aid program which has allowed the district to pursue many innovative programs. In fact, had there not been the money from Impact Aid, it is entirely possible that the voluntary desegregation plan would not have been implemented. Montgomery County also does not receive any money from Title VII of ESEA.

Title I ESEA

For the 1976-77 school year, the Montgomery County School District is expending a total of $1,374,861 in Title I funds to 23 public schools and two nonpublic schools. The program serves a total of 2,821 K-4 students. Of this group, 2,136 are White, 475 Black, 10 American Indian, 50 Oriental, and 150 Spanish surnamed. The basic objectives of the Title I program are:

(1) To help underachieving, K-4 students develop skills of reading and language development and achieve one month's growth for one month's instruction, and
(2) To provide screening, diagnosis, and supplementary health services for Title I students.

In order to achieve these goals, the Title I schools have implemented a variety of activities; these include integration of Title I services with those provided in the regular classroom program, and active solicitation of parent and community involvement. The result has been a positive commitment on the part of both the parents and the community in the planning and implementing of Title I programs.

Problems

The administrators charged with the Title I program reported few problems in administering the Title I program. They did note that the forms could be simplified, and that a standardization of the data required by the Federal government would be helpful. They were concerned with the inability - because of limited Title I resources - to reach all educationally disadvantaged students in the district.

ESAA

Currently Montgomery County School District has three ESAA projects: the Richard Montgomery High School Intergroup Relations Project, the St. Camillus Cluster Bilingual Program, and the Action Team for Quality Integrated Education.

Serving students in grades 10-12, the Richard Montgomery High School Intergroup Relations Project has four objectives:

(1) To improve on the ways and means that students, parents, and staff function and work together;
(2) To provide an alternative for that portion of the student population who have not been successful in other school programs;
(3) To help students who are potential dropouts stay in school;
(4) To increase the number of offerings and participation in staff development programs.

Working in concert with the Intergroup Relations Project is the St. Camillus Cluster Bilingual Program, which serves students in grades K-8. Its main objective is to develop bilingual programs for children in communication skills, reading and writing, mathematics and Spanish culture. The project likewise works in conjunction with Trinity College in a teacher training program.

The third project, Action Team for Quality Integrated Education, began in the 1976-77 school year. The program has four basic objectives:

(1) To see that students develop a pride in their own ethnic heritage and to increase students' awareness and appreciation of other cultures;
(2) To train teachers to that they will be better able to individualize aspects of their social studies program by providing a wide range of multicultural materials to meet the needs of individual students;
(3) To aid teachers and community members of the newly integrated multi-ethnic, multi-culture groups to improve skills in human and inter-group relations;
(4) To aid students in the "intensive" schools exceed their projected reading scores by an average of 5-10%, and in the "minimal" schools by an average of 2-5%.

All three projects have been fairly successful in meeting the needs of those children displaced by desegregation. Likewise, the programs have been helpful to teachers by providing technical support and training.

Problems

Most problems with the ESAA programs were encountered in the application process itself. The coordinators of the ESAA programs believe that the annual application process is both time-consuming and unnecessary. They suggest a possible two year funding cycle. Likewise, as the process is presently handled, a community may not receive funds until after the desegregation plan has been implemented. Montgomery County was denied funding in its first application effort for this very reason. Both coordinators felt that this stipulation defeats the purpose of ESAA, and that it would be more effective if funds were available before integration begins. By providing funding before integration, the school district could plan more effectively, and inform the community better, thereby easing the potential conflicts and tensions that always result when integration begins. Because of the delay and a series of problems that related to Montgomery County's voluntary posture and size, ESAA funds did not effectively assist the community as it undertook desegregation.